THE

Power of Parliaments

IN THE CASE OF

SUCCESSION;

OR, A

Seasonable Address

TO THE

HIGH COURT of *PARLIAMENT*,

TOUCHING

The Present Grievances

OF THE

NATION.

Quod omnes tangit, ab omnibus approbari debet. Reg. Juris.

LONDON, Printed for *M. R.* in the Year 1680.

IN THE CASE OF

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Seriously Addicted

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HIGH COURT of PARLIAMENT,

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THE Power of Parliaments IN THE CASE OF SUCCESSION.

My Lords and Gentlemen,

IT's a Bleſſing peculiar to the *Engliſh* Nation, that if we examine and look over all the *Forms* and *Models* of *Government*, either now extant, or formerly in being, we can find none where the *Liberty* and *Property* of the *Subject*, and the *Grandeur* and *Majeſty* of the *Soveraign* are better temper'd, or more firmly ſecur'd from mutual *Encroachments*, than the *Monarchy* of this *Iſland*, as now eſtabliſhed by Law. Here our *Gracious Soveraigns* in former Ages, through their great Wiſdom and Goodneſs, have ſo far condeſcended to the ſecurity and ſatisfaction of their People, as to oblige themſelves to reſtrain neither the *Liberty* of their Subjects by impoſing new *Laws*, nor their *Property* by raiſing new *Taxes*, without their own conſent and approbation by their *Repreſentatives* in *Parliament*: A Conſtitution ſo Paternal, ſo wholeſom and ſatisfactory to all peaceable and well-meaning People, that we may juſtly ſay,

O fortunatos nimium, bona ſ. ſua norint,
Angligenas!

Nevertheleſs, ſuch is the perverſneſs of ſome men, and ſo impoſſible it is to ſatisfie their *hydropical* Humour, or ſettle their reſtleſs ſpirits, that like Spiders which ſuck Poyſon out of the fineſt Flow-

ers, they take occaſion from the goodneſs of the Government to endeavour to ſubvert and deſtroy it. Yet ſince the *Divine Providence* and his Gracious Majeſty have at length thought it convenient to appoint you the *Grand Council* and *Inqueſt* of this Nation, after all former Diſcontinuances and Interruptions now happily to meet, to ſettle the diſtracted Brains of the giddy Multitude, remove their ſeeming Fears and Jealouſies, and heal the bleeding wounds of the whole *Kingdom*; I hope, e're long ſuch a courſe will be taken by your wiſdoms, that theſe turbulent ſpirits ſhall be ſilenced, their inſolent exclaiming againſt the beſt of *Governments*, repreſſed and duly puniſhed.

The World is now come to this paſs, that the meaneſt Coblers dare cenſure the greateſt *States-men*, and openly call them (whether in or out of *Parliament*) *Papiſts Penſioners*, unleſs they obſerve ſuch ways and methods, as the wiſe Rabble ſhall think moſt expedient. There is no *Myſtery* of State, no Policy or Intregue, of what weight or importance ſoever it be, but the *Mobile* muſt have it diſcuſſed and examined before the *Infallible Tribunal* of their *Vertiginous* Brains, and the whole matter muſt either ſtand or fall according to their well-digeſted *Verdict* and profound Judgment.

And though this *preſumption* be altogether inſufferable, as being wholly deſtructive of all good Order and Government, yet it's a ſequel unavoidably conſequential to ſome principles now a-days much inſiſted upon, even by thoſe that would ſeem our greateſt *Demagogues* and trueſt *Patriots*. The Ground-work and Foundation as well of this, as of all other diſorders now predominant among us principally conſiſteth in theſe two fundamentally pernitious Errors: 1. *That all Mankind are by the Law of Nature born equally free from all Earthly Subjection*: 2. *That Soveraignty is not conferr'd upon Kings immediately by God, but is by the People conveyed unto them in truſt only, and by Communication.* Now if every one be thus born free, nothing but his own voluntary act can juſtly deprive him of his *natural* Liberty; and if Soveraignty doth *Originally* reſide in the Multitude, and is from them derived to *Kings* and *Princes* by *Communication* only, or in *truſt*; without doubt, they may reſume this Power (becauſe their own) whenſoever they pleaſe, and call thoſe intruſted by them to give an account of their *Stewardſhip*.

Yet theſe are the rare *Maxims* of our worthy *Demagogues*, the ground-work of the *Politick Catechiſm*, that has ſo lately intoxicated the

the three *Kingdoms*, and is now taken up for the like purpose by our present *Republicans*; though, if duly considered, to little or no advantage to themselves, if ever they expect to have any part, or share in the Government. For in truth these principles, if exactly observed, do no more overthrow the right *of Kings, and Princes*, than the very being of *Parliaments*, or *State-Assemblies*: Nay they wholly destroy, all sorts and forms of Government whatsoever, and leave all in a meer *Chaos* of endless confusion. The Reason is, because if the *Regal* Authority be derived from the people, without doubt from them proceeds the Power and Jurisdiction of *Parliaments*; especially of the House of *Commons*, whom they, by a free and voluntary Election, have chosen as their Substitutes, and Delegates to act and Officiate for them in that *Assembly*.

Is it not therefore very reasonable, according to this supposition, that the people should have a vigilant Eye over the actions of their *Trustees*, least they chance at any time to betray their trust, and act contrary to their *Principals* intention and meaning; that so they may timely recall their *Commission*, and bring such perfidious Deputies to condign punishment: Who then can blame any *Porter*, *Cobler*, or *Tinker*, if this good Doctrine will hold, for examining the proceedings as well of *King* and *Council*, as of both Houses of *Parliament*, and all other *Courts* of Judicature? For if they are naturally free, as is pretended, they are no less concerned in the *Government*, than the greatest *Peer* in the Realm; nay, if they are all thus naturally free, they are all naturally equal, and consequently the distinction of *Peer* and *Commoner* is contrary to common sence, and directly against the *Law* of *Nature*. Besides if this *natural freedom* be admitted by what Authority are *Free-holders* and *Freemen* only allowed to choose, and be chosen Members of the House of *Commons*? Or upon what account can such members be esteem'd the *Representative* Body of the *Commons* of *England*, since (to omit our Women and Children, who yet upon the aforesaid grounds, have as plausable a pretence to the Government, as the greatest Peers in the *Realm*) not the tenth Man in the whole Kingdom, as being neither *Freeman*, nor *Freeholder*, is admitted to this Election, much less consents thereunto: By what reason can such *Members* as have been chosen, not only without my Vote, or Suffrage, but even against my will, my consent being neither expected, nor desired, be reputed my *Representatives*?

tives? Or who gave these *Members* the power of imposing *Poll-moneys*, or other *Taxes*, upon mean Peasants, Servants, Women, and Children, who are undoubtedly the major part of the Nation; and yet were never allowed to have any Vote or Suffrage in the Election of such Members? Have *Freemen*, and *Freeholders* any Power, or Jurisdiction over Women and Children, or the meaner sort of People? If they have, then at least these are not born naturally Free, but Subject to the *Freeholders* and *Freemen* of the *Kingdom*, and consequently the aforesaid *Maxim* is false and erroneous: If not, how can they confer on their *Representatives* in the House of *Commons*, what they never had of their own; since it is an undoubted verity, *Nemo plus juris in alium transferre potest, quam ipse habeat*? It's plain therefore the *Commons* in *Parliament* must derive the Power and Authority, they have exercised hitherto, from some other Source, or Fountain, besides their *Principals*, or *Electors*: The *Lords* and *Peers* of the *Realm*, as such, do undoubtedly derive theirs from their *Soveraign*; and why may not the like be said of the *Commons*, I could never yet understand: For since it is evident, they could not receive it from their *Electors*, who were not *all*, nor yet the major, no, not the *tenth part* of the people; of necessity they must either have usurped this power, (which I think no wise man will affirm) or else they have received it from their *Soveraign*. It's beyond dispute, that before the sixteenth year of *Henry* the first, none had any Voice, or Vote, in the *Kings grand Council*, or *Parliament*, but the *Prelates*, and *Peers* of the Realm: For then *K. Henry* to curry favour with the people, thereby the better to support his Usurpation against his Elder Brother, D. *Robert*, and counterballance the great sway his Barons bore in the *Kingdom* (who were, as the *Book* of *S. Albans* terms them *Quot domini, tot Tyranni*; how many Lords, so many *Tyrants*) order'd that the *Commons* should serve in *Parliament*, by *Knights* and *Burgesses* of their own Election, and appointment, with a power (I suppose) not unlike that of the *Tribunes* of the People among the *Romans*, without whose consent nothing could be enacted by the *Senate* in prejudice of the *Common People*. Since therefore this is the *Original* and *Primary Institution* of the House of *Commons*, I wonder upon what grounds can it be alledged, that they derive their Power from the People. It's well known, the *Kings* of *England* gave that House its first being; and no less certain it is, *Qui dat esse*,

dat

dat conſequentiam ad eſſe. It was therefore well obſerved by Sir *Orlando Bridgeman*, afterwards *Lord Keeper*, at the tryal of the Regicids; *It's true, we have as great Liberties as any people have in the World; but let us own them where they are due: We have them by the conceſſion of our Princes.*

But as experience is the beſt *Miſtriſs* of all *humane* knowledge, ſo I think nothing can better diſcover, or more forcibly convince an *Engliſh man*, of the fallacy of the aforeſaid *Paradoxes* of *Popular Freedom*, and the *fatal* train of pernicious Conſequences, that neceſſarily attend them, than the *unparalleled Tragedy*, lately acted upon the bloody Stage of this *Kingdom*; where it is evident, theſe very Principles were the chief foundation, and ground-work of the *Long-Parliaments* Rebellious Inſurrection againſt their *natural Sovereign*, and likewiſe of the *Armies dexterous* Leger-demain in circumventing that very *Parliament*, and thruſting them out of doors. For beſides that whoſoever practiſeth diſobedience to his Superiors, he teacheth it to his Inferiors, and conſequently by the *Rump-Parliments* reſiſting the *Kings* lawful Authority, the people learnt to reject the pretended Authority of that *Parliament*; it is a very *natural* Conſequence that if the *Parliament* by a Power derived from the People, could lawfully depoſe their *King*, the people themſelves, or at leaſt the major part, could by their own original Power depoſe and caſt off the *Parliament*, or any other form of *Government* that could be eſtabliſhed among them. And it is very obſervable, that in theſe revolutions, nothing is more obvious, or eaſie, for a prevaling Faction, than to pretend they are the major, or at leaſt the ſounder part of the people; and thereupon making their Power and Will their Law, to aſſume to themſelves the Authority to govern all, and thruſt their Oppoſers, whether *King*, or *Parliament*, *Lords* or *Commons*, out of Houſe and home. This was no leſs *Prophetically* than judiciouſly obſerved in the late Combuſtions by our *Royal Martyr* in his anſwer to the 19 Propoſitions, *June* 2. 1642. Where he ſaith; *The common people, when they find that all was done by them, but not for them will at laſt grow weary of Journey-work, and ſet up for themſelves; call Parity, and Independency liberty; deſtroy all rights and properties, all diſtinctions of Families and merit: and by this means, the ſplendid, and excellently diſtinguiſhed form of Government, end in a dark equal Chios of confuſion, and the long line of our*

ceſtors, in a Jack Cade, *or a* Wat. Tiler. *Husbands* Collections *p.*322. This we have ſeen verified within the memory of man, and if ſuch ſeditious poſitions of *popular Libertiniſme* be not timely ſuppreſſed, and their Abettors duly proſecuted, we may ſee (I am afraid) further conformations of it, when repentance can prove, but not amend, our folly.

My Lords and Gentlemen.

I Think it's needleſs to aggravate further the evil Conſequences of theſe *Anarchical* Principles. I doubt not, but your Duty and tryed *Loyalty* to his *Majeſty*, and your conſtant *Zeal* for maintaining the preſent *Government*, will always prevail with you to abhor and deteſt ſuch pernicious Doctrines, which I am ſure, no Man in his Wits ever approved, though to ſerve their own turns ſome Seditious *Machievils* have often uſed them, *ad captandum populum*, to inſinuate themſelves into the good opinion of the Mutinous Multitude, who are always ready to *Idolize* any Man, that gives them the leaſt hopes of *Liberty* and *Licentiouſneſs*, much more that intoxicates them with the *Chimerical* conceit of their being the Makers and Creatours of *Kings*, the very Source and Original of Dominion and Soveraignty, and conſequently impower'd, when they think it expedient, to call the *King* to an account of his actions, and ſettle the Succeſſion as they pleaſe.

Theſe are the plauſible pretences, which like *guilded Pills* have in the late Kings Reign infatuated the three Kingdoms, and were the Infallible Fore-runners of all the unſpeakable Miſeries we groan'd under for twenty Years together. Yet ſuch is the *Prodigious* Impudence and Inſolence of our deſigning *Levellers*, that notwithſtanding the woful experience the World has had of the diſmal Conſequences of the aforeſaid *Paradoxes*, yet they again vent and broach them abroad both in Print and otherwiſe, with ſuch earneſtneſs and vigour, as if they had been the immediate Dictates of the Holy Ghoſt; whereas indeed they are the undoubted ſuggeſtions of the grand *Enemy* of Mankind, purpoſely excogitated to deſtroy the Peace and Settlement of the whole *Nation*, firſt by elevating the *Parliament* above the *King*, and then raiſing the *Multitude* above the *Parliament*, to the utter Subverſion of all *Order* and *Government*.

The reviving of this *Anarchical* Doctrine, was much occasioned by the *Bill* prepared by the late House of *Commons* against his R. H; a Bill, in the Opinion of our most Learned Men, more Zealous than Discreet, and more seeming useful than really convenient. And it may be doubted whether the encouragement the very preparing of that Bill gave (though unwittingly) to the *Republican Libellers* and Mutineers, did not more hurt to the *Government*, than the passing thereof could avail the *Kingdom*. For immediately after the publishing of this Bill one *Pamphlet* came out upon the Heels of another, all heap'd with intollerable Indignities and Reflections, not only upon the D. but even upon the *King* and *Parliament*. All that dissented to this Bill were mark'd out and stigmatiz'd by the *Pamphleteers*, as the Betrayers of their *trust*, and deceivers of their *Country*; in a word, they were exposed under the notion of *Papists* and *Pensioners* to the blind rage of the furious Rabble: which Seditious Practice, if carelelly conniv'd at, or imprudently tollerated, will at last render *Parliaments* altogether insignificant, and deprive that Honourable *Senate* of that freedom of speaking and voting according to the dictates of their *Consciences*, which is absolutely *essential* to all *Parliament* and *State-Assemblies*. And as for his *Sacred Majesty*, I have yet seen no *Pamphlet* against his *Royal* H's right to the *Crown*, which though it begins with the *D.* but is sure to end with the *King*, and argues no more for the disinheriting than the deposing Power in the People. *Because* (as one of them saith) *a King is not for his own, but for his Subjects sake only; and when Kings themselves be ill ones, God not only approves of their removal, but even himself does it.* The Author of the Plea to the Dukes Answers, p.3. *I hope* (saith the inconsiderate Answerer of the Considerations) *there are very few in this Nation, that do not think it in the Power of the People to depose a Prince, who really undertakes to alienate his Kingdom, or give it up into the hands of another Soveraign Power, or really acts the destruction or general calamity of his People.* page 6. Another goes yet further, and in brief endeavours to destroy not only the *King*, but even *Kingship* it self: *No Government* (saith he) *but Monarchy, can in* England *ever support or favour Popery.* The Appealer from the Countrey to the City, p.7. The rest are generally of the same strain, so that it is apparent these busy Scribblers write not against the *D.* so much through their dislike to his Person or *Religion*, as their innate *Antipathy* and constant *Aversion* to

Monarchy: For they are ſure, could they but once exclude his R. H. they might in a ſhort time make a Foot-ball of the *Crown*; becauſe if they can diſinherit the next Heir, who has the ſtrongeſt Title to the *Soveraignty*, certainly they may exclude all the reſt more remote, and once again ſet up that *Popular Idol*, their well beloved *Common-wealth.*

My Lords and Gentlemen.

SInce ſuch pernicious Conſequences as theſe, do in all humane *Probability*, if not of abſolute neceſſity, attend the Impeaching the right of *Succeſſion*, and the Deſcent of the *Crown* in the true line; methinks it behoveth all Loyal Subjects to imploy their wiſhes, and you the *Grand Council* of the Nation your Power aud Authority, that ſuch Meaſures and Reſolutions may be taken in this *Seſſion*, as ſhall not give Poſterity occaſion to Condemn the raſhneſs of the preſent Age, or cenſure you as unskilful *Phyſitians* for applying a *Remedy* far worſe than the *Diſeaſe.* For (as *Juſtinian* ſaith, Novel. 3.) *Quod medicamenta morbis, hoc exhibent jura negotiis. Unde conſequitur, ut nonnunquam a judicio diſcordet effectus, & quod credebat conjectura prodeſſe, experimento inveniatur inutile.* His Majeſty foreſeeing in his Profound Judgment what a deluge of Miſeries ſo *Fundamental* a change might hereafter produce as well in *Church* as *State*, has often declared both in *Councel* and *Parliament* his averſion to that manner of proceeding.

And beſides it is very obſervable, that our ableſt Men both *Lawyers* and *Divines* are utterly againſt it.

The caſe has been ſufficiently agitated *pro* and *con* ſince *June* 1679. when that Abortive *Bill* of the late Houſe of *Commons*, was Mid-wiv'd into the World by a notorious *Leveller*, and like the *Apple* of *Contention* thrown amongſt his Majeſties Loving Subjects, purpoſely to raiſe Factions and Parties: Though in all likelyhood had the ſame Honourable Houſe met but once again, they would upon ſecond thoughts have as prudently rejected that Bill, as in the heat of their *Paſſion* they had zealouſly prepar'd it. The Arguments are many, and the Inconveniences almoſt infinite, that might induce them to take this reſolution, which I hope your Wiſdoms will now take into your ſerious Conſideration; and therefore for the better clearing of ſo

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weighty a point; I shall here presume in all humility to offer unto your Honours the ensuing Reasons and Arguments, derived from the *word* of *God*, and the *Law* of *Nature*, from the *Customs* and *Constitutions* of this *Land*, and from *politick Expedience*; which, the better to avoid confusion, I distribute into four Heads, or Sections, and the first is

Of the Word of God.

In the holy Scriptures, which the *divine Providence* has left unto Believers as the chief and infallible *Rule* of all their actions and proceedings, it is evident, that proximity of blood, was the only Title under *God*, that made lawful Heirs in the Old *Testament*, and gave them right to enjoy the Inheritance, or Possession of their Ancestors. The *First-born*, or eldest Son was always counted the next *Heir*; neither was it in the *Fathers* power to exclude, or disinherit him through any private grudge, or displeasure; for God himself expressly saith: *When the Father maketh his Sons to inherit that which he hath, he may not make the Son of the Beloved first-born, before the Son of the hated; but he shall acknowledge the Son of the hated for the first-born, by giving him a double portion of all that he hath*, Deut. 21. 16, 17. And *God* further injoyneth, that *if a man dyes, and has no Son, then the inheritance shall pass to his Daughter, and if he have no Daughter, then the Inheritance shall be given to his Brethren*, Num. 27. 8, 9, Whence it appeareth, that by *Gods* own immediate direction, Possessions, and Inheritances were to be conferr'd by *Birthright* and propinquity of blood, without the least hint given, that either the people, or Supream *Magistrate*, whether jointly, or severally, could order the *Succession*, as they should think most expedient. In a word, it is undeniable, that in all the holy Scriptures, there is not one Example, or President warranting either *Prince*, or *People* to disinherit the meanest Beggar in the Land, much less the immediate Heir to the *Crown*. Nay, wicked *Achab*, King of *Israel*, though he rack'd his brains to find some colour, whereby he might deprive innocent *Naboth* of his *Vineyard*, the *Inheritance of his Fathers*, 1 *Kings*. 21. 3. He was so far from finding any *Law*, or *president* for his intended usurpation, that his hellish Consort, *Jezabel*, was forced to suborn witnesses against *Naboths* life: So firmly were

Inheritances in those days eſtabliſhed by the *Law* of *God*, that the wicked might ſooner take away *peoples lives* with perjuries, than the ancient *patrimony* of their Fathers with any colour of *Juſtice*. And as for the *Royal ſucceſſion*, we find in *Jeruſalem* from *David* to the captivity of *Babylon*, a continual Series of 20. *Kings*, the *Son* always ſucceeding the *Father*, or one *Brother* another, without any interruption given by the people, or the leaſt attempt of altering the *Succeſſion* offer'd by their *grand Councel* the *Sanhedrim*, though moſt of theſe *Kings* were bred up in *Idolatry*, and improved their education when they came to the *Crown*. They never attempted either in *Juda*, or *Iſrael* to impeach the right of *Succeſſion*, nor ever undertook openly to depoſe their *Soveraign*, without an expreſs *warrant* from him, *Who ruleth in the Kingdom of men, and giveth it to whomſoever he will*, *Dan.* 4. 25. By his expreſs *order* it was, that the *Kingdom* was tranſlated from *Saul* to *David*, 1 *Sam.* 16. 1. *Solomon* was preferr'd before his elder Brethren, 1 *Chro.* 28. 5. *Jeroboam* made *King* of the ten tribes, 1 *Kings* 11. 31. and 12. 24. And *Jehu* anointed *King* over the ſame people, and empowered to extirpate the whole race of wicked *Achab*, 2 *King.* 9. Theſe *examples*, I know are much inſiſted upon by the *Anti-ducall Libellers*; though it's plain they make more againſt his *Sacred Majeſty*, than his *R. H.* and in truth they make nothing againſt the one, or the other.

Firſt, Becauſe theſe Revolutions happen'd by the expreſs *Order* of *God* himſelf, who is the abſolute *Diſpoſer* of all *Crowns* and *Kingdoms*; and ſuch as preſumed without this warrant to conſpire againſt their *Soveraign*, they are ſtigmatiz'd in holy writ for *Rebels*, and *Traytors*; thus *Zimri* for killing *Elah King* of *Iſrael*, though but the Son of an Uſurper, is branded with the abominable crime of *Treaſon*, 1 *Kings* 16. 20. Let us therefore, if we intend to follow this *Pattern*, meddle not with *Gods* anointed, or endeavour to alter the *Succeſſion* of the *Crown*, untill we receive the like expreſs command from *Heaven*, leaſt we chance, like *Zimri* to be counted *Rebels* to our *Prince*, and *Traytors* before *God* and the *World*.

Secondly, Becauſe ſince Holy *Scripture* ſo often enjoyneth us to Honour and obey our King, not for fear, but for Conſcience ſake, the aforeſaid Inſtances can no more authorize us to oppoſe or depoſe our *Soveraign*, than the example of *Rahab* (Joſh. 2. 5.) and the *Egyptian Midwives*, (Exod. 1. 19.) can warrant our Lyes and Perjuries; or the

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Iſraelites taking away the *Egyptians* Goods (Exod. 12.35.) can juſtify our Cheats and Robberies; or the zealous fact of *Phinehas* (Numb. 25.8.) our killing Whores and Adulterers; or in fine that memorable exploit of *Sampſon* (Judges 16.30.) can authoriſe us to kill our ſelves. In this matter we muſt always follow that excellent Rule of St. *Auguſtine*: *Hæc quæ in Scripturis ſanctis legimus, non ideo quia facta legimus, etiam facienda credamus: Ne violemus præcepta, dum paſſim ſectamur exempla. Theſe things, which we read in the Holy Scriptures, becauſe we believe they have been done, let us not therefore believe they ought to be done: Leaſt we violate the Precepts, whilſt we generally follow the examples.* lib. contra mendacium. *c.* 9. It is a ſufficient warning for all *Chriſtians*, that the Sons of *Zebedee* alleaging the example of *Elias* for their commanding Fire from *Heaven* to conſume the *Samaritanes*, were ſeverely checked by our *Saviour*, and told, *Ye know not what Spirit ye are of.* Luke 9.55. For if the *example* of *Elias* could be no Preſident for them to ruine their Fellow-Subjects, how can the aforeſaid *Examples* be any *warrant* for us to deſtroy our *Natural Prince.*

Other Paſſages of Holy *Scripture*, relating to this particular, I will produce in the following Section.

The 2d. point, Of the Law of Nature.

As for the Law of Nature, becauſe ſeveral *Criticks* do raiſe many needleſs Scruples about the true Notion or Definition thereof, it is neceſſary to give ſome general Deſcription of it in this place, before we proceed any further. Wherefore by the *Law* of *Nature* we underſtand here, *The innate propenſity of all Creatures to that, which is moſt agreeable to their reſpective Natures.* Thus it is *Natural* to all Beings, to preſerve themſelves; to all *Senſitive Creatures* to propagate their *Species* or kind; and to *Rational Agents*, to live in *Society*, and do *as they would be done unto.* The exiſtence of this *Law*, not written with Pen and Ink, but Ingraven with the Finger of *God* in the Soul of Man at his Creation, though afterwards through repeated Impieties ſometimes much defaced and obliterated, is evident by thoſe words of St. *Paul*: *The Gentiles, which have not the Law, do by nature the things contained in the Law; theſe having not*

the Law, are a Law unto themselves: which shew the work of the Law written in their Hearts, their Conscience also bearing witness, and their thoughts mean while accusing, or else excusing one another. Rom. 2. 14, 15. whence *Tertullian* saith, *Before the Law of Moses written in Tables of Stone, there was a Law not written, which was naturally understood and kept by the Fathers*, lib. adv. Judæos. Moreover, since it is otherwise impossible, that so many Nations, so different in temper, Place, and Time, should conspire to observe the same Rules in their actions; it must be concluded, that what all, or at least the most civilized People of the World, whether indued with the *Supernatural* Light of Faith, or with the sole *twilight* of Reason, have in all Ages generally recommended and observed, is undoubtedly to be esteem'd the very dictate of *Nature*, so that (as *Cicero* well observes) *The consent of all Nations, is to be reputed the Law of Nature.* 1 Tuscul. *cap.* 13. I say, the most civiliz'd People, because as *Aristotle* teacheth *lib.* 1. pol. *c.* 5.) to know what is *natural*, we must always consider the most rational and the most vertuous of their time, not such as are depraved or corrupted with Vices: Thus although some Nations have held it no crime to Rob and Plunder, as *Julius Cæsar* writes of the ancient *Germans*, lib. *6. de bello Gallico, circa med.* yet Robbery is nevertheless to be concluded directly repugnant to the *Law* of *Nature*, because the generallity of Mankind have always abhorr'd it, as destructive of all Humane Societies.

Now to apply this to our present purpose, because the underminers of *Succession* in all their lying *Libels* do labour to subvert even *Monarchy* it self, and do argue no less for the deposing than the disinheriting Power in the People; I will prove.

1. That *Monarchical Government* is not only the *immediate Ordinance* of *God*, but also a prime *Institution* of *Nature*; and thence will conclude how unwarrantable it is for any People to attempt the altering the *Succession* without an express Order from the *Almighty*.

First, that *Monarchy* is of *Divine* Institution, is a truth so plainly expressed in Holy *Scripture*, that nothing but willful blindness can make the least doubt or scruple thereof. There we find how God declares, *By me Kings do Reign, and Princes Decree Justice.* Prov. 8. 15. *I have made the earth,* —— *and have given it to whom it seemeth meet unto me: And now have I given all these Lands to* Nebuchadnezzar *the King of* Babylon, *my Servant.* Jer. 27. 5, 6. There likewise we read, *That the most high ruleth in the Kingdom of Men, and giveth it*

to whomsoever he will. Dan.4.25. And that *there is no Power but of God, and the Powers that be are ordained of God.* Rom. 13.1.

Lastly, That God is pleased not only to have himself called a *King*, but also earthly *Princes* Stiled *Gods and Children of the Most High.* Psal.82.6. Likewise, they are often Stiled the *Lords Anointed*; and this Title is given not only to the *Hebrew Kings*, but even to some of the *Heathen Princes.* Isai.45.1. And in the Wisdom of *Solomon* it is said of all Kings in general, *Power is given you from the Lord, and Soveraignty from the Highest.* Wisd.6.3. Upon these grounds the Ancient *Fathers* do constantly acknowledge the Authority even of Heathen *Monarchs* to be of *Divine* Institution. *A Christian* (saith *Tertullian*) *is enemy to none, much less to the Emperour, whom he knoweth to be ordained by his God, and therefore cannot but love and honour him.* lib.adv.Scapul.c.2. And again he saith: *From thence is the Emperour, from whence he was a Man before he was Emperour: From thence he has Power, from whence his Spirit.* In Apologet.c.30. *By whose appointment* (saith *Irenæus*) *they are born Men, by his appointment they are Ordained Kings.* lib.5.c.20. And S. *Hierom* in his Comment on the second Chapter of *Daniel*, saith, *That Kings and Kingdoms have their constitution, change, and destitution by the sole Royal Pleasure of God* To the same purpose speaks *Dionys. Alex.* apud *Euseb.* lib. 7 Hst. c. 11. *Athenag.* in Apol. ad Antonin. Imp. *Epiphan.* hær. 40. *Oros.* lib. 2. hist. c. 1. *Aug.* lib. 5. de Civit. dei. c. 21. and many others. I will conclude these Authorities with a Testimony, though less ancient, yet no less *Orthodox*, of our own *Church*, where it is positively asserted, *That the most High and Sacred Order of Kings is of Divine right, being the Ordinance of God himself, founded in the prime Laws of Nature, and clearly established by express Texts, both of the Old and New Testaments.* In the *Convocation* held *Anno.* 1640. *can.* 1. And in further Confirmation hereof it is an undoubted Maxim in our Law Books, *Prædium Domini Regis est directum dominium, cujus nullus est Author nisi solus Deus.* Coke Litt. fol. 1.b. *The Inheritance of our Lord the King is a direct Dominion, of which none is Author but God alone.* And it's well known that the King of *England* always Stiles himself *Dei gratia*, and in his *Arms* uses that ancient *Motto*, *Dieu & mon droit*, *God and my Right*, but never acknowledged himself to be *Tenant* in *Courtesy* to his People. Nay *Q. Eliz.* the Peoples Darling, though the dubiousness of her Title, and the strong Pretensions of her *Rival* to the Crown, forced her to stoop lower in that particular, than became a *Soveraign Princess*, yet these Obstacles being gradually removed, she acknowledged her self accountable only to the *Divine Tribunal* of the *Almighty*, of whom alone she held her *Crown* and *Dignity*; as appears by her *Declaration* for assisting the *Netherlands*, Printed *Anno.* 1585. Where she speaks in this manner: *Although Kings and Soveraign Princes, owing their Homage and Service only unto Almighty God, the King of all Kings, and in that respect not bound to yield account, or render a reason of their actions to any other but God their Soveraign; and though among the most ancient and Christian Monarchs the same Lord God hath committed unto us the Soveraignty of this Kingdom of* England,

gland, *and other Dominions, which we hold immediately of the ſame Almighty God, and thereby accompt only to his Divine Majeſty; Yet we are, notwithſtanding this our Prerogative, moved to declare, &c.* This was the undoubted *doctrine* of the peaceable *Politicks* of our happy Anceſtors; though now it's grown the greateſt *Soleciſm* in *State* immaginable. To hold (ſay the *Republicans*) that a *King* is unaccountable to his People, is to encourage him to the moſt intolerable exactions, and tyrannical oppreſſions an extravagant *Prince* is capable of. But can you, good People, find any *Common-wealth* upon Earth, wherein there is not an *ultimate Judicature*, which is not to be accountable to the Subject? And if this muſt of neceſſity be tolerated in a *popular Government*; which, when it degenerates, is undoubtedly the very worſt of all *Tyrannies*, according to that ancient ſaying, *Plebs peſſimus tyrannus*: What crime can it be to attribute the ſame immunity to a *Monarch*, which is unavoidably to be tolerated in *popular Demagogues*? eſpecially if we conſider that in all ancient *Hiſtories* the worſt of *Monarchy*, even *Nero* himſelf, was never guilty of half thoſe unparallelled *Tyrannies* lately perpetrated by the loud-clamouring Advocates of the peoples Liberty, the members of the *Rump-Parliament*.

Neither is this to be underſtood of *Hereditary* Kingdoms only, that they are *Gods* immediate Inſtitution, and the *Soveraign* accountable to *God* alone, but even of *Elective* Monarchies, where the People have the moſt plauſible pretences to alleage that the Supreme power is originally in themſelves, and derived from them to the *Prince*. For although, where there is a vacancy of a Supreme Governour, and none can claim a right of Succeſſion, the people may then lawfully chuſe their Prince; yet they can never confer upon him the Soveraignty, or Supreme Power; for they cannot inveſt him with the Power of Life and Death, becauſe *nemo dat quod non habet*; and the people never had any ſuch Power of themſelves; for they cannot diſpoſe of their own, much leſs of anothers Life. They can only chuſe, or deſign the Perſon but God alone beſtows the Soveraign Authority. Thus Parents do beget the bodies of their Children; yet none but God is able to give the Souls. A Woman doth freely and voluntarily chooſe her Husband, but the *marital* Power and Dominion, is wholly from God. The members of a *Corporation* do uſually chooſe their *Mayor*, or chief *Magiſtrate*, yet it is not they, but the *Kings Charter*, and grant, that gives him his Authority.

Nevertheleſs, that we may wholly undermine the groundleſs principles of our *Republicans*, let us ſuppoſe a while, that *Princes* do generally derive their power from the people, and that what *Juſtinian* ſays of the *Roman Emperour*, may be verified in all *Princes* and *Monarchs*: *The People conferr'd upon him all their own Power and Authority. Digeſt.* l. 1. tit. 4. n. 1. *Quod Principi placuit.* Now what will this avail the uſual pretences of our *Demagogues*, unleſs they can prove with all, that whoſoever makes a grant to another, or gives him any Power, or Authority, whether to act as his *Subſtitute*, or rule as his *Superior*, he may reſume this Power, and recall, or annul his former act, when he thinks it expedient. Yet this can never be maintain'd, unleſs they firſt

acknowledge, that all the grants, gifts, and priviledges the *King* has undeservedly conferr'd upon them, he may recall, as he thinks it expedient, and bestow them on more loyal Subjects: For in our Law-books we find, that *all Land within this Realm were originally derived from the King. Coke Litt.* f. 65. a. 98. *and* a. 4 *Instit.* f. 365. But no Law-book ever told us, that the Soveraignty of this Kingdom was originally derived from the People: The *King* therefore, by this good *Logick* of our worthy *Patriots*, may recall such Charters and Letters Patent, as he thinks convenient, and so by degrees seize upon the whole Kingdom.

This argument alone is sufficient to overthrow so groundless a *Paradox*, yet I will add these following Instances, 1. The *Princes Electors* of *Germany* have full Power to chuse the Emperour, but being once chosen, they have no Power to depose him. 2. The Commons of *England* do by a voluntary Election chose *Knights*, *Cittizens*, and *Burgesses*, as their *Representatives* in *Parliament*, and yet it was never heard, that they could either Prorogue or dissolve them, although they had mainly betrayed their trust, as in the *Rump-Parliaments* time. 3. A Woman chooses her Husband, and the Members of a *Corporation* their *Mayor*, or chief *Magistrate*; yet they have no Power to depose them upon any displeasure, although they did notoriously abuse their Authority; because in such cases, it is an approved *Maxim*, *Quod semel placuit, amplius displicere non debet.* Moreover, since the Election of a *Prince*, the people (as *Justinian* speaks) *Confers upon him all their Power and Authority*; How can they afterwards pretend to any Power of Revocation? For if all be conferr'd upon the *Prince*, surely there can be no reserve left in the people. And therefore it was well observed by the *Emperour Valentinian*, when some of his *Officers*, who chose him for their *Soveraign*, earnestly pressed to have somethings granted, which he did not like: *Souldiers* (saith he) *it was in your Power to choose me for your Emperour; but after you have chosen me, what you desire is in my Power, not yours. 'Tis your duty as Subjects to obey, and mine to consider what ought to be done*: apud Sozom, *l.* 16. hist. c.

Secondly, That *Monarchy* is not only a *Divine Ordinance*, but also a prime constitution of *Nature*, is evident by several convincing Reasons, and the plain Testimony of the most approved Writers of *Antiquity*. First, Even the *Republicans* themselves do generally acknowledge that *Government*, at least *in genere*, or in the *Abstract*, is an *Ordinance* of God, and founded in the prime Laws of Nature: Yet it is unconceiveable how *Government in genere* could be so, unless at least some *Species*, or kind thereof be so likewise; even as it is incomprehensible how *homo in communi* can be called a *rational* Creature, unless at least some particular man be *rational*: But if any kind or *Species*, of Government be *Jure divino* and founded in Nature, of necessity the best Form, or *Species* thereof must be allowed for such. Now all disinteressed people acknowledge, experience, reason, and authority confirms, that of all sorts of Government, *Monarchy* is the best, the ancientest, and most agreeable to mans original. The wisest of the Sons of men, thought it a

great curſe upon any Countrie, and an effect of divine vengeance, to be governed by many Rulers. For the tranſgreſſion of a Land, (ſaith he) many are the Princes thereof, *Pro.* 28. 2. Since therefore *contrariorum contraria eſt ratio*, it muſt be no leſs happineſs to a Common-Wealth to be governed by one ſupreme Prince, or Monarch, than misfortune to be in a continual danger of being diſtracted by the Factions and private ends of many Rulers: and therefore (as *Tacitus* ſaith) *unum Imperium unius animo regendum eſt.* Or as it is expreſſed by that ancient *Oracle*, mentioned by *Plutarch*, in convivio.

Felix urbs, vocem Præconis quæ unius audit.

As for the Ancient *Fathers*, ſo undoubtedly they held *Monarchy* to be the beſt of *Governments*, that the undeniable excellency thereof they thought a ſolid argument to prove the Unity of *God* againſt the *Heathens*. As *Juſtin Martyr in Orat. exhort. ad Gentes. Athanas. orat. cont. Idola. Cyprian. de Idol. vanit.* and many others. Nay, the very *Heathens* themſelvs by the ſole twilight of *natural* Reaſon, diſcovered the truth of this Doctrine, and always commended the Government of ſingle Rulers. That famous Sentence of *Uliſſes* recorded by *Homer* (Iliad. 2.) and much extolled by *Ariſtotle* in his Politicks, was counted an Oracle in the peaceable days of our happy Anceſtors.

Οὐκ ἀγαθὸν πολυκοιρανίη, εἷς κοίρανος ἔστω, εἷς βασιλεύς.

It is not good that many Reign,
One King and Prince let all maintain.

And *Seneca* ſeverely reprehendeth the raſhneſs of *Brutus* for expelling *Kingly* Government out of *Rome*; *when* (ſaith he) *the beſt State of a City or Commonwealth is to be under a juſt King.* lib. 2. de beneficiis, c. 20. the ſame is atteſted by that great ſearcher of nature, I mean *Ariſtotle*, in ſeveral places of his works: In his eighth book of *Ethicks*, c. 10. after the uſual diviſion of divers ſorts of Government, he concludes: *Of theſe, Monarchy is the beſt, and a popular State the worſt.* And in the 4th. book of his Politicks, *c.* 2. he calls *Monarchy the firſt and divineſt ſort of Government.* Beſides, it is very remarkable that although *Ariſtotle* is much perplexed and diſtracted about his *Ariſtocracy* and *Democracy*, not knowing how to diſtinguiſh them, or find out their true Original, and at laſt doubteth whether there be any ſuch Government, as *Ariſtocracy*. lib. 3. pol. c. 2. yet when he comes to ſpeak of *Monarchy*, he finds it ſo well grounded in *nature*, that although he wanted the Light of the Holy *Scriptures*, which declare that the firſt Government in the World was *Monarchical* in the Father of all Fleſh; nevertheleſs, by the very glimmerings of *natura.* reaſon he diſcovers this *Monarchy* even in the firſt ſocieties of Mankind.

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The first Society (saith he) *made of many Houses is a Village, which seems most agreeable to nature, as being a certain Colony of a House, which some call Foster-Brethren, or Children and Childrens Children Therefore at first Cities were, and now also Nations are, governed by Kings, because such came together as were under Kingly Government. For every House is under the Empire of him, that is eldest; and so for kindred sake it is in Colonies, that is in more Families, which descended from the same House: whence* Homer *saith, Every Man gives Laws to his Wives and Children.* lib. 1. pol. c. 2. Thus *Aristotle* deduceth the *Original* of Government, not from any *Arbitrary Election* or choice of the *People*, but from the *Father-hood*, and the *natural subjection* Children owed to their Parents; which Doctrine it seems he learnt of his worthy Master, the *Divine Plato*, who *lib.* 3. *de legibus*, saith: *The true and first reason of Authority is, that the Father and Mother and generally those that beget and engender, do command and rule over their Children.*

To these we may add this one *remarkable* Observation, which plainly shews that as *Popular Governments* are not founded upon any demonstrative Principles of solid reason, so they have no grounds in the *Sacred Oracles* of Gods Word. For in all the books of Holy *Scripture*, where Honour and Obedience to the Temporal Magistrate is so frequently inculcated, there is no other sort or form of Government, but *Monarchy* to be found, no Majesty is attributed to the Multitude, no Soveraignty to the Nobility; all are unexceptionably commanded to *Fear God and Honour the King*, without any limitations or provisoes for their Obedience. And if we go to the Original of Mans Creation, we shall find that as *Adam* was the first Man, so he was the first *Monarch* of the whole Earth, when God appointed him to subdue it, *and have Dominion over all the Creatures thereof.* Gen. 1. 28. His Children and all his Posterity were wholly under his Tuition and Government, so that none of them had any right or Title to possess any thing in Property, but by his Grant or Permission, or by succession from him. This Power after *Adam's* Death descended by right of *Primogeniture* to his Posterity, and still continued Monarchical in the Father-hood to the Flood, and after the Flood to confusion of *Babel*: Then were *Kingdoms* first erected, *Gen.* 10 10. and by the division of Languages, divers Colonies of whole Families were dispersed over the Face of the Earth, over which some of the prime *Fathers* had the *Supream* Power, and were really *Kings*, who were all the Sons or Grand-Children of *Noah*, from whom they derived a *Paternal* and *Regal* Authority over their Families. In holy Scripture these are often called Patriarchs, that is, Heads, or Princes of Families, and although in succeeding Ages some of them were subject to *Kings*; yet still they retained a subordinate Power over their own Tribes, and in general Assemblies were commonly accounted as all the people, and were reputed their lawfull Representatives, 1 *King.* 8. 2, 14. and 2 *Chron.* 1. 2. and 5. 2. In the whole Series, or History of mans Creation and Propagation we cannot find the least foot-steps of *Aristocracy*, or *Democracy*,

names never known to the World, untill that kind of Government was invented by the giddy *Grecians*, a people that delighted in nothing more then changes and novelties (as we find particulatly observed in the *Athenians*, *Acts.* 17. 21. the most learned of that Country) and were altogether destitute of the light of the holy Scriptures, whence they might have learn't the foundation of the aforesaid Governments, *viz. the supposed natural freedom*, and equality of mankind, to be false and erroneous: For it is unconceiveable, how can any man be born *naturally free* from civil obedience, when by his very birth he is *naturally Subject* to his Parents; and if his Parents be subject to others, as their Fathers, Grand fathers, or King, is he not consequently subject to his Fathers Superiour? Likewise, since man is naturally inclined to *Society*, to which end *God* gave him the faculty of speaking, that he might communicate his thoughts with his Neighbour; and there can be no settled *Society* amongst men without *Government*, nor any *Government* without subjection and obedience; what a *Chimerical* conceit it is, that a man in all these circumstances can be free from civil subjection? In a word, If men were naturally free from obedience to any Earthly Power, and if *Self-preservation* could dispense with all our Tyes and Obligations to humane *Society*, there should none but *Self-Government* be admitted in the World; nay, it were a sin in the People to consent to any other, or attempt to deprive their posterity of their natural liberty; for if the Parents will promise for themselves to be Slaves, yet for their Children they cannot, who upon these Grounds have always the same right to preserve, or regain their liberty, which their Fathers had to enslave themselves.

Yet here we must always distinguish *Civil Subjection* from *Slavish Captivity*, which the *Republicans*, to render their clamours the more plausible, do commonly confound: By the former a man still retains his natural liberty, and property, has a right to acquire and purchase for himself, and dispose of his own, as he thinks fit, unless prejudicial to the *Society*, whereof he is a member; but the latter utterly disables him from acquiring any thing to himself in property, all his Labours and Acquisitions are wholly at his masters command: The former is as *natural* to mankind, as civil *Society*; the later is a violent usurpation upon our *natural* liberty: The former is no where better secured, then under the protection of *Monarchical* Government; for as *Claudian* elegantly saith:

Fallitur egregio quisquis sub principe credit
Servitium; neque enim libertas gratior extat
Quam sub Rege pio.———

The later is no where more to be fear'd, than among the Factions and Divisions of *popular* States; which do seldom or never end, but in the *Tyrannicall* usurpation of one of the *Demagogues* over the rest: For (as *Aristotle* saith)

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all Tyrants for the most part are made of the factious Ringleaders of the people, having got credit with the multitude by falsly impeaching and Calumniating famous and renowned Men. lib. 5 polit. c. 10. By this artifice *Absolom* attempted to snatch the *Crown* from his Father; the Tyrant *Pisistratus* for 30 years together enslaved the City of *Athens*, and in our own days the late *British Monster* Tyrannized over the three *Kingdoms*.

It is plain therefore by these Observations, that of all forms of Government, the *Regal* or *Monarchical* is the best, the safest for the People, and the most agreeable to mans Original; nay that *Aristocracy* and *Democracy* are rather Usurpations upon *Monarchy*, than any institution of *God* or *nature*; since all Antiquity affirms, and the Holy *Scriptures* confirm, that the first *Commonwealths* or bodies *Politick* were governed by *Monarchs*. *In the beginning of things* (saith *Justin*, the Historian) *the Empires of Countries and Nations were in the Power of Kings.* lib. 1. c. 1. And *Cicero*, though according to his education a great *Republican*, yet lib. 3. de Legibus, he confesseth, *That all ancient Nations were in former times governed by Kings.* *Aristotle* likewise affirmeth, *that the first Common Weals among the* Græcians, *after Kingdoms, were made of those that waged War.* lib 4 polit. c. 13. So that we see the first Inventers of these *popular* Governments, were not Men inspired by God, nor guided by the Rules of *nature*, but rather ambitious unruly Fellows; who being impatient of any Subjection, became *Usurpers* and *Rebels* to *Monarchy*; which even of late Days was here attempted by the *Rump-Parliament*.

Since therefore *Monarchy* is the best and ancientest, or rather the sole *justifiable* form of Government, as I have prov'd hitherto; it necessarily followeth, either that *Government* in the abstract is not *jure Divino*, nor established by the Law of *nature*: which yet is acknowledged by the *Republicans* themselves; nay by a *Declaration* of their pretended *Parliament* in the beginning of *March* 1659. All Officers were obliged to Swear, *That Magistracy and Ministry are the Ordinances of God.* Baker. p. 716. Or else that *Monarchical Government* is as well an immediate institution of *God*, as an immutable constitution of *Nature*.

And indeed unless *nature* had really inclined Mankind to this form of Government, it is unconceiveable how it could be so generally received in the very Infancy of the World, and still continued notwithstanding the frequent assaults of the Factious by so many Countries and Nations of different Humours and Customs; insomuch that for three Thousand Years together nothing could be heard of these *Popular* States now so much *Idoliz'd*: There can be no other reason assigned, but what is asserted by St. *Augustine*, *That it is a principal ground of Humane Society, to obey their Prince.* lib. 3 confest. c. 38. and therefore as people were by *nature* addicted to Society, so by the same motive and instinct they were inclin'd to *Monarchical* Government; which may be further confirmed by the general experience of former Ages: For as it may be demonstratively concluded that *nature* obligeth us to acknowledge and worship our *Creator*, because even *Atheists* themselves, although in the excess of their luxurious and

brutal

brutal pleasures they deny the existence of God, yet when their Bodies decay, and are reduced to the utmost extremities, when all Carnal Motives and Considerations are laid aside, they begin at last to confess his Being: So it is a convincing argument that *nature* inclines all Men to be governed by Single Rulers, because though the *Republicans* do for a time deny the necessity of *Monarchy*, yet when they are by Factions and Divisions reduced to their last shifts, and the body *Politick*, like the *natural*, is overcharged with ill humours, or seiz'd with violent Convulsions and Dissolutions of all its Joynts, they are forced at length to acknowledge *Soveraign Princes* to be the only means to unite the disjoynted Members of such languishing *States*, and repair all their, otherwise incurable, Ruptures, and Breaches. For (ar *Gregorius Tholosanus* well observes) *to this kind of Government, as to a Sacred Anchor, all Wise Men do run for relief in the greatest danger of the Common-wealth.* lib. 13. de Rep. c. 12. Thus the several *Republicks* of *Greece* were always engaged in continual combustions both at home and abroad, without the least hopes of putting any Period to their distractions, until they were all reduced under the Protection of *Monarchy* by K. *Phillip* of *Macedon* and his Son. The *Romans* had the like *fate*, for notwithstanding the *Regal* Power of their *Consuls*, who (as *Livy* and the Law of the 12. Tables testify) were in effect endued with *Regal* Authority, to which without doubt *Rome* did principally owe as well her splendour and greatness at home, as her famous Conquests over Forreign Nations; yet because they were the peoples one Creatures and handy-works, elevated upon a sudden above their equals, and raised to that Dignity only for a little time, they could not exact from them that awful reverence due to *Soveraignty*, neither could they, being always two, but be often lead by different Factions and Interests; and therefore the State was continually involved not only in Wars abroad, but in Seditions and Conspiracies at home.

Several new Models of Government they invented and tryed, as *Consuls*, *Decemvirs*, *Triumviri's*, *Dictator's*, & *Tribuns* of the People, but still to no purpose, they could never settle untill the Soveraign Power wholly centred in *Augustus Cæsar*, as *Lucius Florus*, having related the almost continual distractions of the *Roman* Common-wealth, testifyeth in these Words: *In this so great a disturbance we had this to rejoice at, that the Soveraign Authority was devolved to* Octavius Cæsar Augustus, *who by his Prudence and Conduct reduced to order the body of the Empire so shaken and disturbed on all sides, that no doubt it could never have been reunited, had it not submitted to the Authority of one Governor, as to one and the same soul and mind.* lib. 4. c. 3. or (as *Tacitus* speaks) *there was no other remedy for the distracted Country, but to be governed by one.* lib. 1. annal. And so sensible were the *Senate* and People of *Rome* of the unexpected benefits they reap'd by so happy a change, that with an unanimous consent they order'd *Valerius Messalla* in their names openly to salute *Augustus*, *Father of the Country*. Sueton. in vita Augusti. c. 58. Now if such *Monarchs*, as had no Legal Title to the Government, proved so effectual in healing the Bleeding Wounds

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of destracted Common-Wealths; what shall we say of Lawfull *Princes*, who by *inherent Birth-right* are intituled to the *Crown*?

I will conclude this argument with some choice Testimonies of the most learned writers of antiquity, both *Christian* and *Heathen*: The ancient *Fathers* are unanimous in this point, especially in their disputes against the Heathens, where they not only positively affirm that *Monarchy* is an institution of *Nature*, but do further confirm it by the examples even of Beasts, and irrational Creatures, which cohabit together, or live in any kind of Society. As *Cyprian de Idolor. vanit. Athanas. orat. adversus Idola. Hieron. Ep. ad Rusticum*, and many others. And the same is asserted by *Seneca* in these words *Nature did first find out a King; which we may understand by the very beasts, as by Bees, whose King has a large Chamber in the middle, and in the safest place. Besides, he has no charge, but exacts the work of others, and the King being lost, the whole swarm decays*,, *lib. 1. de Clem. c. 19* or as the *Poet* expresses it,

——Rege incolumi mens omnibus una,
avulso rupere fidem.——

Likewise, *Aristotle* affirmeth; *By the Law of Nature the Father hath command over his Children, the Progenitour over his Grand-Children, and the King over his Subjects*, lib. 8. Ethic. cap. 12.

Neither are our own *Statutes* and constitutions any thing behind in this particular, as will more fully appear in the ensuing Section: Here I only observe, that in our *Law-books* nothing is more obvious than to find the *King* stiled *our natural Liege, Lord, and Soveraign*, and our subjection to the *Crown*, termed *natural Obedience:* as appears 24. *Hen.* 8. *c.* 12. and 34. *c.* 1. and 23. *Eliz. c.* 1. and generally this has been observed, in all Indictments of Treason.

Now if the Subjects obedience to the *Soveraign* be *natural*, certainly their disobedience must be *unnatural* and wicked; and if *Kings* be of Gods immediate institution, the Subjects attempting to depose them from their right or forcibly resist them, can be no less than *Diabolical* presumption. Upon what grounds then can any People indeavour to alter the right of Succession, and disinherit the Heir apparent, or next of blood? Since it is evident, the *Heir* and actual *Possessor* have really the same right to the *Crown*, and differ only in the time of their enjoying the *Soveraignty*. For even as an inanimate *Embryo* has the same right to life, as a Child already born, insomuch that it is as perfect murther in the sight of God, and as much against the *Law* of *Nature*, to procure *abortion* in the one, as take away the *Life* of the other: So what right the *Actual Possessour* hath to the *Crown* during his Life, the same hath the *Heir Apparent*, or next of blood to enjoy it after his Predecessors

ors death. And therefore since the *actual Possessor* is by the *Law* of *God*, and *Nature* invested with the Soveraignty, as I have already demonstrated: it followeth most evidently, that the *Heir apparent*, or next of blood is by the same *Laws* intitled to the *Crown*; and consequently the people have no more right to disinherit the one, than depose the other.

Hence it was Enacted by K. *Edward* the 3d. *That it should be High Treason, in any man to compass, or design the death either of the King, or the Kings eldest Son and Heir* 25. *Edw.* 3. for it's certain, the *Kings* eldest Son is not mentioned in this Act precisely, because the *Kings* Son, nor yet his eldest, otherwise all his Children, or at least his natural Son, when eldest, should have been included therein: But the main reason why the conspiring his death was made so heinous a Crime, is, because he is Heir apparent to the *Crown*; and always the *King* and next *Heir* of the blood *Royal* have both the same inherent right to the *Soveraignty*, both are by the same Laws of *God* and *Nature* intitled thereunto, and differ only in respect of time. And this was well known to our ancient *Parliaments*, which were neither overaw'd by any Prevailing faction, nor seduced by the plausible pretences of designing *Demagogues*, as appears by their several acts of *recognizing* the right of *Succession*, where they constantly acknowledge the *Crown* to descend upon the next *Heir* of the blood *Royal*, by *inherent Birth-right, by lawful and undoubted Succession*, according to the *Law* of *God* and *Nature*; as will more fully appear in the following Section.

I know some, who have nothing of solid reason to alleadge for themselves, will quibble here with their frivolous distinction of *Heir Apparent* and *Presumptive*; whereas if we go to the very *Etymology*, or litteral sense of the words, both do signifie the same thing as to this particular, *viz.* the next Heir of the blood *Royal* to the *Crown*, and have been commonly accepted in this sence by our best *Lawyers* and *Historians*. In brief, this is abundantly sufficient for our purpose, that whatsoever argument makes for, or against the one, is of no less force in regard of the other: And upon what grounds, or by what Authority soever his *R. H.* can be now disinherited, or excluded from the *Crown*, by the same might our present *Soveraign* be divested of his undoubted Birthright in his Fathers time: Nay, upon the same account might his Father himself be, as indeed he was, deprived of his Life and Dignity.

Our *Republicans* are strangely troubled at this Doctrine, that *Monarchy* is an *Ordinance* of God, or an Institution of *Nature*, for they are sure, if this Principle be once admitted, they cannot with any colour of justice have a finger in the pye, or set up that Golden Calf, their well beloved *Common-Wealth*: And therefore they leave no stone unremoved to oppose and overthrow it. Nevertheless, though their Cavils against it be numerous, and their Clamours almost infinite, yet all this while they could not produce a jot of solid reason for their assertion, nor any approved

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Authority, but do ſtill inſiſt upon meer groundleſs ſuppoſitions and impro bable conjectures of certain *Compacts* and *Covenants*, which they fancy ſhould have been ratified by the *Prince*, before the people parted with their ſuppoſed *natural* Liberty. And theſe conditions they confidently take for granted, becauſe otherwiſe all their tottering ſuperſtructure muſt fall to the ground, though they have neither *Scripture*, nor *Fathers*, nor any other ancient *Hiſtorian* to warrant this their Conceit. In holy writ, where we read of the coming of *Saul* and *David* to the *Crown*, nothing can be found of theſe imaginary Capitulations; neither can we meet in profane *Hiſtories* with any thing of that Nature. *Romulus* did himſelf chooſe his People and Senate, not they their *King*; And to this day we could never hear of their *Indentures*, or *Articles* of agreement. *Juſtin* tells us, that in the innocent days of old the people had no ſettled Laws, the *Princes* pleaſure was the chief rule of their actions: *Populus nullis legibus tenebatur; arbitria principum pro legibus erant*, l. 1. c. 1. What became then of the peoples Compacts and Covenants with their *Soveraign*, or were they ſo filly to Capitulate with their *Prince*, and yet obtain no better Conditions, than ſubmit themſelves to his unlimited Arbitrary pleaſure? But to omit theſe idle Dreams of our conceited *Mendalls* of *Common-wealths*, certain it is, that both *Prince* and *People* upon their entring into a civil State, or Body *Politick*, muſt be ſuppoſed to have engaged themſelves to obſerve the fundamental Rules of *Society*, that is the prime *Laws*, and Dictates of *Nature*, according to which the *Prince* ought ſtill to govern, and the people obey; becauſe without this there could be no Society, but biting and devouring of one another, and always whoſoever effectually intends the end, of neceſſity he muſt intend the means without which it cannot be obtained. But that the people reſerved to themſelves the power of depoſing their *Prince*, whenſoever, in their fancy, He deviated from Juſtice, or that the *Prince* undertook the Government upon this condition, is a moſt groundleſs improbable ſuppoſition. Was *Samuel*, think we, a *Sophiſter*, when he endeavour'd to diſſwade the *Iſraelites*, then weary of their undeſerved *Theocracy*, telling them how their *King* would abuſe his Power, and take their Sons and Daughters, their Servants and Goods to his own private uſe? 1 *Sam.* 8. 11. *&c.* Or were the *Iſraelites* rather ſuch Fools and Simpletons, as not once to think of this rare Doctrine of our good *Patriots*? How eaſily they might confute *Samuel*'s reaſons, and tell him, You are miſtaken, Sir, if our *King* ever attempts ſo to domineer over us, we will make uſe of our own Authority, we will immediately deprive him of the Power we have entruſted him withall, and then bring him to an account of his Stewardſhip. But nothing of this nature was in the leaſt inſinuated by the *Iſraelites*; nay, when *Solomon* really committed many of theſe enormities, threatned here, and elſe where ſtrictly prohibited; when he had four thouſand Stables for Horſes, 1 *King.* 4. 26. and ſeven hundred Wives, beſides three hundred Concubines, 1 *King.* 11. 3. and heap'd ſo much Silver

and

and Gold, *that he exceeded all the Kings of the Earth for riches*, 1 *King.* 10 23. Although these three particulars were expresly prohibited by Gods immediate Command, *Deut.* 17. 16, 17. yet the people never attempted to punish, or depose him, much less deprive him of his Life by a formality of Law; which is an unanswerable argument, that although *Soveraigns* had transgressed the Laws both of God and Man, yet they are still reserved to the *divine Tribunal*, and not punishable by any Earthly Powers.

But to return to our *Republicans* Cavils against the *natural* institution of *Monarchy*, although they raise a prodigious fabrick of impertinencies, upon the aforesaid groundless suppositions of popular Freedom, and the Subjects conditional submission to the Prince; yet I could never find any thing worth the answering objected by them, but three; which I shall take notice of in this place, in further confirmation of what is asserted hitherto.

1 *Obj.* If *nature* (say they) had made any Laws about *Government*, all Governments would have been the same, because what *nature* does is *uniform* and *universal.*

Ans. They might as well alleage, 1. That Self-preservation (their own common pretence for all Villanies) is no Law of *Nature*, because it is so far from being *universal*, that thousands have in all Ages voluntarily killed themselves, and thought it more happy to shorten their lives by a violent death, than prolong it any further in misery; concluding with *Julius Cesar*; *Satius est semel mori, quam semper timore mortis torqueri.* 2. That *nature* does not incline man-kind to worship God, because there are, and have been many millions of *Atheists* in the world; nay, that reason and knowledge are not *natural* to man, because neither *uniform* nor *universal*, but some are more, some less *rational.* In fine, they might alleage, that the power of the *Father* over his Wife and Children, is not founded upon the Rules of *Nature*, because we find this, as other Governments, varied and altered in several times and places. Amongst the *Persians*, the Fathers used their Children like Slaves, *Arist. l.* 8. *Ethic. c.* 10. And the *Romans* had the Power of Life and death over their Children; as appears by *Quintil. declam.* 6. *Aulus Gell. noct. Attic. l.* 5. *c.* 19. and others. In *Aristotele's* time, Husbands in divers Countreys used their Wives like Slaves, *lib.* 1. *pol. c.* 2. And at this day they are not much better among the *Turks.* Nay, in *Spain* they are so severe to their Wives, that if people attempted to introduce the like custom into *England*, it were to be feared, that our women would unanimously joyn together, and by that blessed Law of *self-preservation* depose or put away their Husbands. Even therefore as the Husband has by the Law of *Nature* power to govern his Wife, and the Father his Children, though this Power as to it's use varied in some circumstances, according to the diversity of Ages and Countreys; so *Monarchs*, who are the common Fathers of the people, are impowered by

by *nature* to Rule and Govern their Subjects, though this Government as to its exercise may receive some circumstantial alterations, as the Soveraign shall think most expedient for himself and his People. And indeed since there is no Government upon earth uniform or universal, but various and different, according to the diversity of Nations and Countries, and that all learned Men do nevertheless acknowledge Government, at least in the abstract, to be an institution of *Nature*; it must of necessity be granted, either that this Objection is fallacious and sophistical, or else that Government in the abstract is only a *Platonick Idea*, a meer imaginary Notion.

Obj. 2. If Monarchy (say they) be allowed an *Ordinance* of *God*, or an institution of *nature*, we must uncharitibly condemn all those Communities, which have not this form of Government, for violating *Gods* Ordinance, and consequently pronounce their Authority null, and their Proceedings unlawfull.

Answ. Other forms of Government are indeed but *Usurpations* upon the *Monarchical* Power, as I have already observ'd; yet an Usurpation, though at the beginning it be unjust, may nevertheless become lawful, either by a post-consent of the Party griev'd, or by *prescription* and length of time. And it is unlawful for any Man, except the right Proprietors and those empowered by him, to molest or disturb such as are concerned or imployed in such Governments. For even as Thieves, while they are possessed of stolen Goods, have a Title in *Law* against all others but the true owners, insomuch that it is a Sin for any other to deprive them of such Goods: so Usurpers have a Title in the *Government* against all persons, but the true Heirs; and where the Usurpation has continued so long, that the knowledge of the right Heir is lost by the People, every one ought to comply with the Government then establish'd, and cast off all thought of any future change, though perhaps for the better, least the Remedy may prove worse than the Disease; because such changes, usher'd in by force or other sinister means, (as *Salust* well observes) *do always portend Flight, Massacres, and other Hostilities.* In bello Jugurth. And this must be allow'd for truth in all forms of Government whatsoever: For even as in *popular* States both the Government and Governours come in by Usurpation, so in *Monarchy* though the Government be instituted by *Nature*, yet the Governour may often be an Usurper; nay, there is hardly any *Monarch* now upon earth, but is either an *Usurper*, or at least his *Heir* and *Successor*. I omit, that *Matrimony* is a *Divine* Ordinance and an undoubted Institution of nature, yet we must not rashly censure those that never Marry; neither must we Condemn the Reformed Churches of *France* and other Countries, who live without *Bishops*, though *Episcopacy* be *Jure Divino*; especially while they do not seperate themselves from the Communion of *Episcopal Protestants*.

Obj. 3. God was incenſed againſt the *Iſraelites* for asking a *King*. 1 *Sam.* 8. 7. and 12.16. and *Hoſea.* 13. 11. therefore *Kingly* Government is no *Divine* inſtitution.

Anſw. If this Objection had any force, it ſhould prove not only that *Monarchy* is no *Divine* Ordinance, but alſo that it is altogether unlawful and repugnant to the Will of God: But the *Republicans* themſelves dare not affirm the later: And therefore, according to that common *Maxim*, *Argumentum nimis probans, nihil probat*, their Objection is forceleſs and impertinent. Beſides it is obſervable, that God never adviſed the *Jews* to ſet up any popular Government, whether *Ariſtocracy* or *Democracy*, but expreſly order'd *Samuel, to hearken to their voice, and make them a King.* 1 *Sam.*8.22. And certainly it cannot enter into any Mans thoughts, that God would promiſe, as an extraordinary Bleſſing, to *Abraham* and *Jacob*, Gen.17.6. and 35.11. *That Kings ſhould come out of their Loins*; or threaten as a great curſe or Puniſhment, that the Children of *Iſrael ſhould abide many days without a King*. *Hoſea.* 3. 4. if *Monarchy* were repugnant to Gods Will. The fault therefore ſo much reprehended in the *Iſraelites*, was not their asking a King, which they were allowed both by the dictates of Nature and the expreſs Word of God, *Deut.* 17.15. but rather their incredulitie and miſtruſt in the *divine* Goodneſs, and their confiding rather in an earthly *King*, than in the overruling Providence of the *Almighty*, who notwithſtanding ſo many miraculous deliveries, ſo many *Sampſons* and *Gedeons* extraordinarily raiſed by God to reſcue them from the hands of their Enemies, yet were ſtill ſo miſtruſtful either of the Divine Goodneſs or Power to ſave them from the *Ammonites*, that nothing could ſatisfy them, unleſs they had *a King to Reign over them*; *when the Lord their God was their King.* 1 *Sam.*12.12. by which infidelity they incenſed the Lord againſt them, as their Fathers before them did in the Wilderneſs by their querulous deſiring of Bread and Water; things indeed of themſelves no leſs neceſſary than natural to the life of Man, yet damnable when deſired out of deſperation or diffidence in the Divine Goodneſs; and therefore the People were then puniſhed even with Fiery Serpents for their ungrateful Murmurings. *Numbers* 21. 5, 6.

This was the great crime of the *Iſraelites* in deſiring a *King*, neither do I think that any People did ever more exactly imitate them in theſe incredulous deſpairing Apprehenſions, than our Countrymen have done, eſpecially ſince *May* 79. who after all their ſignal deliveries from the different Factions of *Papiſts* and *Fanaticks*, after all their unexpected Bleſſings, and their late miraculous Reſtoration to their *Prince* and *Proſperity*, yet are ſtill ſo miſtruſtful of the *Divine* Providence, that nothing can ſatisfy them, but a *King* of their own immediate Creation; otherwiſe they will undoubtedly cry out with the

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wicked *Jews* in their *Councel* againſt our *Saviour*: *The* Romans *ſhall come, and take away both our Place and Nation.* Jo. 11.48.

The Third Section. Of the Laws of England.

We come now to the Conſtitutions and Cuſtoms of this Kingdome, which as to the *Statute-Laws* appear ſo various and different, that it may ſeem an *Herculean* task to ſqueeze the truth out of ſuch *palpable* repugnancies and contradictions. For ſo many *Uſurpers* have been poſſeſſed of this *Imperial Crown*, and ſo many Laws and Statutes excogitated by them, and their Creatures in *Parliament*, to ſupport their defective Titles, and ſettle that by the wit of man, which the Law of *God* and *Nature* did not allow; that it is almoſt impoſſible for any Faction now to contrive any project againſt the *Crown*, or *Succeſſion*, but they ſhall find ſome ſeeming Preſident, or Act of *Parliament* to juſtifie their proceedings: Inſomuch, that unleſs we pitch upon ſome aſſured *Rules* or *Principles*, which like *Ariadnes* clew, may guide us through this intricate *Labyrinth*, we ſhall hardly be able to diſcover the truth, or find our way back again.

Firſt, Therefore we muſt ſuppoſe, that a *King* may be ſuch only *de facto* who uſurps the *Crown*, or *de jure* alſo, who lawfully enjoys it; and as the Titles of theſe *Princes* are different, ſo no doubt their methods in the *Government* cannot be alike, the *Uſurpers* being generally forced, for the ſupport of their tottering Titles, either by *Tyranny* to deſtroy the Subject, or purchaſe a *precarious Soveraignty* from the people by clipping the *Prerogative*.

2. That as ſeveral *Parliaments* have been over-aw'd by prevaling faction, or ſeduced by ſome wheedling Intriguers, to vote contrary to their own inclination, and common Intereſt; ſo divers *Kings* through weakneſs either of Title, or Judgment, or to avoid ſome eminent inconveniences, have often granted ſome things againſt the Dignity, and *Prerogative* of the *Crown*.

3. That thoſe Statutes are always to be held the moſt *Authentick*, which we find to have been freely voted, and enacted, not for any private end, but for the common good, without any awe, or dureſs, either upon *King*, or *Parliament*.

Theſe things thus premiſed, before I eſtabliſh my own Aſſertion, I will briefly diſcover the fallacy of our *Republicans* uſual pretences.

They commonly begin with *King John*, whoſe unfortunate Government ſhould, in my opinion, rather terrifie them from countenancing uſurpations for the future, than give them any encouragement to bring that unhappy Prince now upon the ſtage, to put all ſober People in mind of the diſmal conſequences unavoidably enſuing the peoples temerity in medling with ſo nice a point, as that *Nolis me tangere, of the Succeſſion of the Crown.* But what does this example make for their purpoſe? Was *Prince Arthur* of *Britain*

tain disinherited, or *King John* elected by the People? And if so, whether by the people *Representative*, or *diffusive*? The first cannot be pretended, because there was no setled House of *Commons*, till after *King Johns* days; and though there had been, yet by the *Fundamental Laws* of this Nation, they could act nothing without the *Royal assent*, which in this case they wanted: neither can the later be with any colour asserted, because they never met, either to disinherit the one, or elect the other. And if their submission to his *Government* ought to be construed for their consenting to his Election, then either this consent can give no *legal* title, or it is impossible for any man to *usurp* the *Crown*; nay, *Cromwel* must be acknowledged to have been the true and lawful *Governour* of these three Nations, and all those that have made parties against him, in his *Majesties* behalf, to have been *Traytors* and *Rebels*; Moreover, it is a constant *Maxim* in our Laws, that the *Monarchy* of *England*, as of all *Hereditary* Kingdoms, excludes all *Interregnums*, and that the actual Possessor is no sooner deceased, but the next Heir becomes *ipso facto* compleat and absolute *King* to all intents and purposes. For as our *Brittish Solomon* well observeth, *In hereditary Kingdoms, (nothing more certain, nothing more uncontroulable) the Kings death instantly maketh Livery and Seisin of the Royalty to his next Successour.* In his defence of the Right of *Kings*, p. 149. And Sir *Edward Coke*, the Oracle of our *English* Laws, expresly affirmeth it to be the Common-Law of this Nation, that *This Kingdom is a Monarchy successive by inherent Birth-right, of all others the most absolute, and perfect form of Government, excluding Interregnums, and with it Infinite inconveniences: Preface to his fourth Book of Reports, Principio.* And this is undenyable, though the succeding *Prince* be not then actually *Crowned*, nay, though he happen at that time to be in the remotest part of the *World*. Thus K. *Edward* 1. though absent in the *Holy Land*, in war against the *Turkes*, when his Father dyed, yet he was *ipso facto* the undoubted *Soveraign*, of this *Kingdom* and acted as such for almost two years before his *Coronation*. In like manner his Sacred Majesty that now is, began his Raign from the moment his *Royal Father* was inhumanly sacrific'd by the *Republican* Regicids, though at that time he was not within his own *Dominions*, nor for 12 years after Crowned in this *Kingdom*. In brief *Edward* 5th. was never Crowned, and *Henry* 6th. *Edward* 4th. *Henry* 7th. And all his Successours, acted as *Kings*, no less before than after their respective *Coronations*: for this Solemnity is but a meer *Ceremony*, and addeth nothing either to the *Kings* Title, or Authority. And this is expresly resolved to be the Law of this Nation, by all the Judges of *England*. 1 *Jac.* in *Watson* and *Clarks* Case, *Coke* 7. *Rep.* 11. and 12. *Calvins*, and 1 *Eliz. Dyers Rep.* 165 *a.* It's plain therefore, that this *Kingdom* never admits of any *Interregnums*; and consequently upon the very moment of K. *Richard* the firsts death, there was a true and compleat *King* of *England*, antecedently to the Election of *King John*: So that the Peoples rejecting *Prince Arthur* of *Brittain* was not so much the disinheriting the *Heir Apparent* to the *Crown*, as

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the depoſing their *actual King* and Soveraign; And by what Law they have done it, the tragical Calamities brought upon this Nation by that unfortunate *King*, may eaſily inform us; I wiſh they may effectually warn us.

Secondly, They alleage that K. *Richard* 2. was for his miſ-government depoſed by Act of *Parliament*, and *Henry* 4. elected in his ſtead. This objection indeed ſtrikes fully home, and plainly diſcovers what Spirit our bleſſed *Patriots* are of, and what they would be at, had their power been correſpondent to their will: They, good People, are no leſs dexterous in depoſing *Kings* than excluding *Heirs*, and they are ſure not to want *Preſident* for either, when occaſion requires: Yet becauſe this attempt ſeems as yet too great, they muſt go on by degrees, and as *Milo* by uſing to lift a Calf, learnt to carry a Bull; ſo they by excluding the lawful Heir, will more eaſily find a way to depoſe the actual Poſſeſſor. Then Poſterity may cry, farewell *King*, and *Kingly* Government, farewell that *Golden* Age of our happy Anceſtors.

Saturnus periit, perierunt & Jua jura.

But to return from this Digreſſion, can our good *Patriots* tell us, whether the two Houſes had the *Royal* Aſſent in paſſing this Act, or Bill of depoſition, or paſs'd it without his conſent and approbation. *King Richard*'s conſent they could not have, for he was forced by *Henry* of *Lancaſter* to reſign his *Crown*; and where there is force, ſurely there can be no conſent: And *Henry* of *Lancaſters* conſent could nothing avail them; for it is ſuppoſed he was no *King* but by vertue of this very Act of *Parliament*: Yet it could never be done by the two Houſes alone; for although by a fiction in *Law*, they are reputed the *Repreſentative* Body of the people of *England*, becauſe the *King* commonly takes them for ſuch, yet really they repreſent not the tenth part of the People, and therefore whenſoever they proceed contrary to *Law*, by endeavouring to act any thing without the *Royal* aſſent, *eo ipſo* they forfeit the benefit of this fiction in *Law*, and are no more to be reputed the Peoples *Repreſentatives*; neither can they pretend to any power in this ſuppoſition, unleſs they run with the Rabble to that *Anarchical Chaos* of popular Freedom; and then, as I have already proved, the greateſt *Peer* has no more Title to the *Government*, than the meaneſt *Cobler*. Beſides, the want of the *Royal* aſſent was not the only defect of this *Bill* of Depoſition, for the *Parliament* it ſelf was not only *illegal*, as being ſummon'd not by *King Richard*, who then was their undoubted Soveraign, but by *Henry* of *Lancaſter* though in *King Richards* name; but alſo overaw'd by an Army of 40 or 50 thouſand men, raiſed by the *Duke* of *Lancaſter*, againſt his *natural Prince*, that he might win that by force, which by Law he could not procure. How then can any man of common ſenſe bring an act of an *illegal Parliament*, and in reſtraint too, nay, without the Royal aſſent, and conſequently without Life, and Form, as a Preſident for diſinheriting, or depoſing any

Prince.

Prince whatsoever? As if the doing of an ill thing once, were a sufficient warrant to act it over again. Were it not more rational to consider, how little respect subsequent *Parliaments* had to the validity of those pretended Acts of deposing *King Richard*, and entailing the Crown upon *Henry* of *Lancaster*, and his Heirs, that in *Edward* 4ths days they had not the Honour to be repealed? Nay, all the Acts of *Henry* 4. *H.* 5. and *H.* 6. grounded upon the aforesaid Act of Deposition, were deem'd of no force, until expresly confirmed by *Edw.* 4. in the same manner as his Sacred *Majesty*, that now is, confirmed the judicial proceedings of the late *Usurpation*.

Thirdly, They object that the *Crown* was by act of *Parliament* entailed upon *Henry* the seventh. Very true, and so it was established by a like Act of *Parliament* upon his Predecessor, that Monster of Nature, *King Richard* the Third. Yet it little availed the one, neither could it signifie much for the other, had he not prudently married the *Lady Elizabeth*, eldest Daughter to *Edward* the fourth, and consequently the immediate Heiress of the *Crown*; by which marriage he happily turn'd his usurpation to a lawful *Soveraignty*, and secured himself in the *Throne*. For though a fit of madness does sometimes, like a contagious disease, seize upon this Nation, and an itching desire of change; yet upon second thoughts they repent their rashness, and finding by experience that in such revolutions seldom comes a better, they are soon inclined to return to their duty, and restore the lawful Heir. Then all Acts of *Parliament* made in favour of their former *Idol* vanish by degrees, and are no longer in force than the *Usurpers* sword is able to maintain them. This, experience can sufficiently tell us; and that both Houses of *Parliament* can never make a lawfull *King* of an usurping *Prince*, is evident by this following *Dilemma*: Either these *Statute-Kings*, who by birth have no Title to the *Crown*, are true *Kings* before they are voted such by the *Parliament*, or not: If they are, the *Parliament* confers no power upon them, and consequently they owe not their *Soveraignty* to the people, as is pretended: If not, they have no power to summon *Parliaments*; it being as preposterous and unreasonable, that an unlawful King could summon a lawful *Parliament*, as that an unlawful Parliament could make a lawful King. Such *Parliaments* therefore, as were hitherto summon'd by these *Statute-Kings*, were null and void from the beginning, because they cannot lawfully meet, unless lawfully summon'd, neither can they be lawfully summon'd, but by a lawful King; and consequently they could give no Soveraign power, nor make any firm Laws, unless afterwards confirmed by legal Parliaments; as the Acts of *Hen.* 4. and his Successours were expresly ratified and confirm'd by K. *Edw.* the 4th.

Lastly, They argue, that *K. Henry* 8. and *Q. Eliz.* made several Laws to limit, and settle the Succession of the *Crown*. *Henry* the 8. indeed made, and unmade several mad Laws to that purpose, which prove nothing more, than the *capricious* humour of that *Prince*, who made a stalking Horse of his Parliament

ments to serve his own private ends, and still gave them to understand they were to advise, but he to command what he pleased; for in all things, *ipse dixit & facta sunt*. In the 25. year of his raign, he bastardizes *Mary*, and legitimates *Elizabeth*, his Daughters, and makes the later inheritable to the *Crown*; nay, he prescribes an Oath, (26 *H.* 8. *c.* 2.) which was to be tender'd to all his Subjects, *That they should bear Faith, Truth, and Obedience only to the Kings Majesty, and to his Heirs of his Body, of his most dear and entirely beloved lawful Wife* Q. Anne *begotten, or to be begotten*: And the refusal of this Oath, was adjudged *misprision* of *Treason*. 25. *H.* 8. *c.* 22. §. 13. Yet within three years after, *to take, accept, name, or call any of the same* Anne Boleins *Children, lawfull, or legittimate was* (notwithstanding their former Oath,) *adjudged High-treason*, by act of *Parliament*. 28. *Hen.* 8. *c.* 7. §. 21. And it's well, since their hand was in, they made it not a sin against the *Holy Ghost*.

But the mans extravagancy is yet more apparent, when in the same Statute he procures to be further enacted, *That in case he had no issue by* Jane (his then Queen) *he might dispose of the Crown to whatsoever Person, or Persons he pleas'd*. And the whole *Nation* was obliged by the sanctimony of an *Oath* to observe this Law. At last, in the 35 year of his Raign (*Chap.* 1.) he entails the *Crown* upon himself, *Prince Edward*, and the *Princesses Mary*, and *Elizabeth* formerly Bastardiz'd, and disinherited, and for want of issue of their Bodies, he was again impower'd by the same Act of *Parliament*, to dispose of the *Crown* to what Person, or Persons soever he pleas'd, by his last Will, and Testament: And the whole nation was again sworn to observe his pleasure therein. By vertue of this *Extravagant Power*, upon failure of his own issue, he solemnly bequeaths the *English Monarchy* to the house of *Suffolk* (he might as well bestow it to *John a-Nokes*) and as much as in him, and his act of *Parliament* lay, he totally excludes the elder House of *Scotland*. But what became of all these disinheriting Statutes? When it came to the test, they had not the Honour to be repealed, but were held null and void from the beginning, as being notoriously repugnant to the Laws both of *God* and *Nature*, and the Common Customs and Constitutions of this Kingdom.

Is it not madness then in the highest degree, to produce such acts now, as presidents which were never look'd upon, not only as fit to be observ'd, but as worthy to be repealed? Nay, were never held of greater force, or validity, than the wild *Ordinances* of the *Rump-Parliament*? As will more fully appear by this *Dilemma*: Either the Statutes of King *Henry* 8. about Succession, were Obligatory, and valid in Law, or they were not: If not, then Acts of *Parliament* contrary to the right of *Succession* are without any more a-doe, null and void in Law: If they were, by what Authority was the House of *Suffolk* excluded, or *King James* admitted to the Crown, contrary to so many Statutes enacted against him? Or how can we justify our *Predecessors* from manifest *Perjury*, who solemnly swore to maintain these Statutes, unless we

conclude they were illegal and void from the beginning, as being notoriouſly repugnant to all Laws, both *humane* and *divine*? And conſequently, not fit to be obſerved; becauſe, *Quod male juratur, pejus ſervatur.* As for Q. *Eliz.* if we conſider how much her title to the *Crown* depended upon *Statute-Law*, and how queſtionable her Birth-right was generally eſteemed, we cannot much admire, if for her own Intereſt and Security, ſhe attributed more to an Act of Parliament, than otherwiſe ſhe would have done. The dubiouſneſs of her legittimacy, and her being ſolemnly baſtardiz'd by Act of Parliament, and by her own Father too, neceſſitated her, when her Birth-right was not ſufficient, to court the Peoples favour, and endeavour to ſupply the defects of her Title with a popular eſtabliſhment, againſt the pretenſions of Q. *Mary* of *Scotland*, who was generally look'd upon in that age to have a far clearer right to the *Crown*, than the other. And therefore Q *Eliz.* in the 13 year of her raign, although at that time ſhe had the ſame Q. *Mary*. (contrary to the rules of common Hoſpitality, nay, of Humanity and natural affection) kept in a loathſome Priſon, yet being always fearful of Future contingencies, and ſtill miſtruſting the weakneſs of her own title, ſhe cauſed to be enacted: *That if any Perſon ſhall affirm, that our Soveraign Lady, the Queens Majeſty, that now is, with and by the Authority of the Parliament of* England, *is not able to make Laws and Statutes of ſufficient force and validity to limit and bind the Crown of this Realm, and the Diſcent, limitation, inheritance and Government thereof.——that every ſuch Perſon ſo holding, during the Queens Life, ſhall be guilty of High Treaſon, and after her death, ſhall forfeit his Goods and Chattles*, 13. Eliz. c. 1.

This is the great bugbear of the *Antiducal* party, which like a Scar-Crow they place up and down in their Libels to frighten the ſimple people from their duty and allegiance to the *Crown*. But what can his Act make for their purpoſe? will they acknowledge, that whatſoever Power is aſſumed, or given by *Parliaments*, muſt always continue in force, untill expreſly repealed? If it muſt not, why ſhould this Power aſſumed by Q *Elizabeth* and her *Parliament* continue more than the reſt? But if it muſt, then his Majeſtie that now is, may by his laſt will and Teſtament bequeath the *Crown* to *John a-Nokes*, becauſe this extravagant Power was given to *King Henry* the 8. by two Acts of Parliament, never yet repealed. 28 *Hen.* 8. *c.* 7. and 35. *c.* 1. Or if our preſent *Soveraign* cannot thus beſtow the *Kingdom*; though K. *Henry* the 8 was by the aforeſaid Statutes empower'd, (if Statutes could give any ſuch power,) to do it; why ſhould it be concluded, that the *King* and *Parliament* now can diſinherit the lawful Heir, or diſpoſe of the *Crown* as they pleaſe, to the Great *Turk* or *Pope* of *Rome*, although Q. *Eliz.* and her *Parliament* aſſumed to themſelves the Power of limiting, or altering the Succeſſion. For if the former Statutes were excogitated to ſatisfie the capricious humour of an extravagant *Prince*, the later was enacted to confirm and Eſtabliſh a dubious Title. If the former was unjuſt, as being contrary to common rea-

reaſon and the known Laws of the Land, the later (as I have proved) is directly repugnant to the Laws, both of *God* and *Man*; nay, we find ſome Preſident for the former in *Attalus King* of *Pergamus*, who by his laſt Will bequeathed his *Kingdom* to the *Romans*. *Florus*, *l.* 2. *c.* 20. but could never find that ſince the beginning of Government to theſe late degenerating times, any people diſinherited their *Prince*, or excluded him from the *Crown* by a formal Act of the *Legiſlative* Power; no nor ever attempted, unleſs by his holineſs and his conclave, whoſe omnipotent will, and infallible *Spirit*, I think, are not to be imitated *by* a limited fallible Parliament. In fine, if the former was meant only of *K. Hen.* 8. the later with greater likelihood, was meant ſolely of *Q. El.* for had that *Q.* really intended, that this act ſhould always continue to empower her Succeſſors to diſpoſe of the *Crown*, it is unconceiveable what could be her reaſon to have the tranſgreſſing thereof during he own life puniſhable with death, but after her deceaſe, only with the loſs of goods; ſince in all well-govern'd *Common-wealths* it is a fundamental Rule, that where the Crimes are the ſame, the puniſhment muſts be alike: it's plain therefore by the very altering the penalty, the full ſcope and deſign of this ſtatute, was; Firſt, to ſecure *Q. Eliz.* during her life from being ejected, or diſpoſſeſſed of the Crown by *Queen Mary* of *Scotland*, or her Heirs. Secondly, To preſerve her memory from being defam'd after her death, or ſlanderouſly charged with the hainous crime of uſurping the *Crown*; which in the general opinion of that age, was the inevitable conſequence of affirming, that ſhe and her *Parliament* could not limit the Succeſſion: the firſt therefore, was to be puniſhed with death, the 2d. only with the loſs of goods. The firſt expir'd with her life, and the Second together with the abovementioned Statutes of *K. Henry* 8. was *ipſo facto* abrogated, when the Houſe of *Scotland*, againſt which theſe Statutes were purpoſely intended, happily came to the *Crown*; or rather all were void and null, from the beginning, as being unjuſt, unreaſonable, and contrary to the fundamental conſtitutions of this Realm.

Thus we ſee upon what unwarrantable preſidents our Promoters of the Bill of diſinheriſon, do raiſe that *Babel-like* Fabrick, which has already bred ſo much confuſion both in the Tongues and Brains of the People. It's enough for their purpoſe, if a thing has once been done, but with what Juſtice, or Equity it has been acted, they never examine, nor enquire. But ſince all rational men do prefer the *Counſels* of *peaceable* Seaſons to the reſolutions of *Factious* times; the acts of *Lawful Kings* to that of encroaching *Uſurpers*; and the proceedings of a *Free-Parliament* to a forced complyance either of *Prince*, or *People*: No Man of ſenſe will think the aforeſaid Statutes a ſufficient Warrant againſt the Fundamental Cuſtoms and Conſtitutions of this Nation, founded upon the common Principles of all *Hereditary Kingdoms*, upon the immutable *Laws* of *God* and *Nature*, and withall declared, and acknowledged for ſuch, not only by our beſt *Lawyers*, but alſo by divers unexceptionable *Acts* of *Parliament*.

Firſt, In the year, 1460. when *Richard Plantagenet Duke of York* in Parlia-

ment claimed the *Crowns* of *England* and *France*, as being the next Heir to *Lionel Duke* of *Clarence*, elder Brother to *John* of *Gaunt*, of whom descended the House of *Lancaster*; it was answer'd by the *Kings* party, *That the same Crowns were by Act Parliament entailed upon* Henry *the fourth*, *Grand Father to King* Henry *the sixth*. But the said *Duke* unanswerably replies, *That if King* Henry *the fourth*, *might have obtained the said Crowns of* England *and* France, *by Title of Inheritance*, *Descent*, *or Succession*, *he neither needed*, *nor would have desired*, *or made them to be granted to him*, *in such wise as they be by that Act: Which* (saith he) *taketh no place*, *neither is of any force*, *or effect against him*, *that is right Inheritor of the said Crowns*; *as accordeth with the Laws of God*, *and all Natural Laws*, *Rot. Parl.* 39. *H.* 6. *n.* 10. &c. And soon after, this Answer of the D. of *York*, and his claim to the *Crown*, is by the same *Parliament* expressly recogniz'd, and declared *to be Good*, *True*, *Just*, *Lawfull*, and *Sufficient*.

In the same year, upon the death of the *Duke* of *York*, his Eldest Son *Edward*, *Earl* of *March*, by the name of *Edward* the Fourth, takes possession of the *Crown*, and his Title in full Parliament is by all acknowledged and recogniz'd in these words: *Knowing also certainly*, *and without doubt and ambiguity*; *that by Gods Law*, *and Law of Nature*, *he* (i. e. *K.* Edward) *and none other*, *is*, *and ought to be true*, *Right-wise*, *and Natural Liege and Soveraign Lord. And that he was in right from the Death of the said noble*, *and famous Prince his Father*, *very just*, *King of the same Realm of* England. *Rot. Parl.* 1 *Edw.* 4. *n.* 8. &c. and 9. *Edw.* 4. 10. *a Bagots assise*. Likewise in the year 1603. *King James*, his Title to the *Crown* of *England*, (notwithstanding *Henry* the Eight's last Will and Testament, warranted by two Acts of *Parliament*, bequeathing the *Kingdom* to the House of *Suffolk*, upon failure of his own Issue, and excluding the House of *Scotland*) is expressly recogniz'd by the *Lords* and *Commons* in Parliament, in these ensuing words: *We being bound thereunto*, *both by the Laws of God and Man*, *do with unspeakable Joy*, *recognize and acknowledge*, *that immediately upon the decease of* Eliz. *late Q. of* England, *the imperial Crown of the Realm of* England, &c. *Did by inherent Birth right lawfull and undoubted Succession*, *descend and come to Your Majesty*, *as being lineally*, *justly and lawfully next and Sole Heir of the Blood Royal*, *of this Realm* —— *And thereunto we most humbly*, *and faithly do submit*, *and oblige our selves*, *our Heirs and Posterities for ever*, 1. *Jac.* c. 1. And some years after all the *Judges* of *England* in *Calvins* Case expressly resolved: *That K.* James *his Title to the Crown*, *was founded upon the Laws of Nature*, viz. *by inherent Birth-right*, *and descent from the Blood Royal of this Realm*.

Lastly, In *May* 1660. When the People were dispossess'd of the evil Spirit, that captivated their understanding for almost 20 years, and became sensible at last there could be no Period to their troubles, and distractions, but by submissively returning to their Duty, the *Lords* and *Commons* in *Parliament* unanimously acknowledg'd and proclaim'd: *That upon the decease of*

of,

of our late Soveraign Lord King Charles, the Imperial Crown of England, &c. Did by inherent Birthright, and lawful and undoubted Succession, descend to His most excellent Majesty, Charles the Second, as being lineally, justly, and lawfully next Heir of the Royal Blood of this Realm.

Now if the *Crown* descends upon the next Heir of the *Blood Royal*, by the *Law* of *God* and *Nature*, by *inherent Birth-right*, and *undoubted Succession*, as all these Acts and Declararations of divers *Parliaments*, expresly affirm; Parliaments not overaw'd by any prevailing Faction, nor circumvented by designing Intreaguers, nor yet vainly flattering themselves with the idle conceit of an *Omnipotent* Power to Create, and Annihilate *Kings*; but wholly induced with the Power of truth, and a sense of Loyalty, to own and recognize their *natural Soveraign*: And if the *Laws* of *God* and *Nature* be absolutely immutable, as all *Christians* acknowledge; what a madness it is to think that an Act of *Parliament* can change this unchangeable Law, or with any Colour of Justice, alter the right of *Succession*? The People indeed by *Club Law*, which to those, that fear neither *God* nor *Man*, is *Lex Legum*, and the Sole measure of their actions, may sometimes not only exclude the lawfull Heir, but also depose the possessour of the *Crown*, as *Cromwell* and his Faction have lately done: but that they can with Justice, or good Conscience debar either the one or the other from their right, or give any better Title to another, than the late *Usurper* had, to the Soveraignty, is beyond the wit of Man to demonstrate, while we own there is a *God* in Heaven, or right and wrong upon Earth.

Secondly, None is to be admitted as a Member of the House of *Commons*, until he takes the *Oaths* of *Allegiance* and *Supremacy*, and solemnly swear in these following words: *I shall to my Power, assist and defend all Jurisdictions, priviledges, Preheminences, and Authorities granted, or belonging to the Kings Highness, his Heirs, and Successors, or united and annexed to the Imperial Crown of this Realm, So Help me God.* Neither is it any new Custom to Swear to this effect, but rather the common usage of our most ancient *Parliaments*. And therefore when *King Edward* Third, asked the advice of his *Lords* and *Commons* in *Parliament*, in matters relating to the *Crown*, they did unanimously Answer: *That they could not assent to any thing in Parliament, that tended to the disinherison of the King, and his Heirs, or the Crown whereunto they were Sworn. Rot. Parl. 42. Edw. 3. n. 7.* And from this Record Sir *Edward Coke* concludeth. *That it is a Law, and Custom of Parliament, that no King can alien the Crown from the right Heir, tho' by consent of the Lords, and Commons.* And else where he saith, *That K. Johns resignation of the Crown to the Pope was utterly void, because* (saith he) *The Royal Dignity is an inherent inseparable to the Royal blood of the King descendable to the next of Blood of the King, and cannot be transfer'd to another. 12. Rep. f. 28.* The same is asserted by our ancient Lawyers and particularly *Britton* affirmeth *That the Kings of England can alien nothing of the right of their Crown, or their Royalty, which is not repealable by their Successors. c. 34. de donis.*

domis. And in the late *Kings* raign, when the Parliament preſſed to have their *Petition* of *right* confirmed, they often proteſted: *They had no Power to hurt, or diminiſh the Kings Prerogative*; as appears by his Majeſties Speech upon paſſing the ſaid *Petition*.

Since therefore *Parliaments* themſelves, together with our moſt eminent *Lawyers*, expreſly affirm, They can do no prejudice to the Royal Prerogative, but are ſworn to defend and maintain it to the utmoſt of their Power; and that the *Succeſſion* of the *Crown* is undenyably one of the moſt tranſcendent and inſeparable rights, priviledges, or preheminences of the *Imperial Diadem* of *England*: With what conſcience could we, contrary to our frequent proteſtations and multiplyed Oaths, ſuffer any thing that may tend to make a Football of the *Crown*, and turn an *Hereditary Monarchy* to an *Elective*; Nay, to an *Ariſtocracy*, *Democracy*, or any Medly the People pleaſes? Are we ignorant of that *terrible* ſentence, pronounced againſt *Zedekiah King* of *Jeruſalem* for rebelling againſt *Nebuchadnezzer*, contrary to his Oath, and former Covenant? *But he hath rebelled againſt him* (ſaith the Lord) *in ſending his Ambaſſadours into* Egypt, *that they might give him Horſes and much People: Shall he proſper? Shall he eſcape, that doth ſuch things? Or ſhall he break the Covenant, and be delivered? As I live, ſurely mine Oath that he hath deſpiſed, and my Covenant that he hath broken, even that will I recompenſe upon his own Head, Ezek.* 17 15, 19. But if God be ſo highly incenſed for the tranſgreſſion of a ſingle Oath, what will become of us, if we violate all theſe Oaths and Proteſtations ſo often multiplyed, and ſolemnly renewed? Certainly we cannot but conclude with the Prophet: *For Swearing and Lying ſhall the Land mourn. Hoſ.* 4. 2, 3.

The Fourth Section. Of Politicall Expediences.

My Lords and Gentlemen,

I Have hitherto endeavour'd, out of meer *zeal* for my *Country*, and conſtant *Loyalty* to the *Crown*, to the demonſtrate the manifeſt injuſtice of the late *Bill* of diſinheriting the next Heir of the *Blood Royal*; and (as I humbly conceive) have ſufficiently prov'd what I undertook. Yet becauſe there is a ſort of men, who being led by an *ignis fatuus* of an *imaginary Religion*, do meaſure the juſtneſs of things by their Power to compaſs their deſign, and think there is nothing unlawful, that may ſeem profitable, or convenient for their purpoſe; I will firſt briefly diſcover the fallacy of this pernicious *Paradox*, and then demonſtrate that the ſaid Bill, if paſs'd, could never countervail half the miſchief it would inevitably draw upon this Nation, and that very *Religion* it pretends to maintain.

As for the first, that the present profit either of any single man, or any State or Community, can warrant them to deprive another of his right, and in that sense conclude with the Poet: *Utilitas justi prope mater & aequi*; is so monstrous a position, that the very asserters thereof, though their actions do really speak it, yet dare not openly profess it. They think because *Soveraign Powers* must be always unaccountable to the Subject, and in that sence *Arbitrary*, they may lawfully do and undo what Laws they please; whereas *Temporal Sovereigns* are no less confin'd within the boundaries of the *Law* of *Nature*, and the *Fundamental* Rules of *Society*, than *Divines* are limited to the plain Text of the *Holy Scripturers*. For (as *Cicero* saith elegantly) *If Laws were made by the Peoples commands, by the decrees of Princes, or the sentences of Judges; it were lawful to rob, it were lawful to commit adultery, it were lawful to counterfeit Testaments; if these things had been approv'd by the Suffrages, or Votes of the multitude: But if there be such Power in the Sentences, and decrees of Fools, that by their Suffrages the nature of things may be chang'd; why do they not enact, that what is evil and pernicious may be good and wholesome? Or when the Law can make Justice of Injustice, why might not the same make good of evil? lib. 1. de Legibus.* To the same purpose speaketh S. *Augustin lib. 19. de civit. dei. c. 21.*

But some are strangely taken with that saying related by *Thucydides: To a King, or City that has the Soveraignty, there is nothing unjust, that is useful. lib. 6. hist.* Which sentence, though in it self, if well understood, is undoubtedly true, yet in their sence, and perhaps in the Authors meaning, is most pernicious and diabolical. For indeed nothing is unjust, that is usefull, because nothing is really usefull, but what is just. *Nihil utile nisi honestum*, has been always the common Doctrine both of ancient and modern *Philosophers*, and is learnedly demonstrated by *Cicero*, in his third Book *de Officiis*. But to say that nothing is unjust, that seems useful to this transitory Life, is certainly the most hellish position, that ever man invented. For by this principle all mankind is engaged in continual dissensions and discord, without the least hopes of any end, or period; all are left in a state of War, and the strongest hand, and sharpest Sword will carry all before them: There is no right, but might, nor any Law but power and force; and consequently man is the most savage of all Creatures, and deservedly called the King of Beasts, as being the meerest Beast of all.

Since therefore this kind life is altogether intollerable, we must distinguish between *vis* and *jus*, and attribute to them, though the same Letters, yet far different senses. We must conclude that there is a *Law* in *Nature*, antecedent to, and unalterable by any *State* or *Community* whatsoever, to direct all men in their Actions, and secure the weak from the mighty, and and the simple from the crafty deceiver; and therefore as one man, though stronger, cannot by this *law* deprive another of his right, so one *Community*, because more powerful, cannot justly encroach upon anothers dominions,

nor

nor consequently dispossess any man of what he lawfully enjoyeth. For every single *man* hath as much right to his own, as a whole *Community* have to theirs; and therefore while he observes the *Fundamental* Rules of *Society*, the *Community* have no more right to dispossess him of his goods, than he has to deprive them of their possessions. And if it be thus unlawful for a whole *Community* to dispossess any single man by an *Arbitrary* power, certainly it is unlawful for the *major* part of a *Common-Wealth* to bind the rest to their pleasure, unless they as much exceed them by strength of reason, as number of Votes. For to say, that in a *Common-Wealth* of 90. men, the *Arbitrary Votes* of 50. can bind the other 49 and eject them out of their goods and Estates, is to return again to the *law* of *Power*, and make the *Sword* Umpire of all our disputes.

To alleage here, that every *Community* is empower'd by God to preserve it self, and that the major part for their own security may extirpate the rest, if they apprehend them dangerous to their lives, or liberties, is a plausible, but a most false and pernicious pretence. For every man is likewise empower'd by God to preserve himself, yet he is not thereby Authoriz'd to destroy all those he thinks dangerous to his welfare; 'tis certain, whosoever endeavours by violence to take away his life, he may *se defendendo* lawfully kill him; but that he should be allow'd to destroy any, that he fears will do him a prejudice, is the highest degree of of madness, destructive of all *humane Society*. *For* (as *Cicero* saith) *who ever ordain'd this, or to whom can it be granted without extreme danger to all men, that he may justly kill him, of whom he says, he is afraid to be killed? Apud Quintil. lib. de Refut.* And certainly, if as many as swear the *Peace* against others were allow'd to kill all those, of whom they are thus afraid of their lives, we could expect nothing but Murders and Massacrees, nothing but unavoidable confusion and ruine. That saying of *Clearchus* related by *Xenophon*, is very remarkable: *I know* (saith he) *a great many, who being induced by Calumny, or suspition, while they fear others, and choose rather to prevent than suffer, have outragiously abused those, that never as much as thought to do any such thing.*

Likewise, to alleage, that *of two evils the least to be chosen*, is a weak and impertinent plea, because mis-understood, or mis-applyed; for this is not meant of evils to be done, but of evils to be suffered: Otherwise we must conclude that S. *Paul* was deceived when he told us, *Evil is not to be done, that good may come of it.* Wherefore whensoever we are reduced to that extremity, that unavoidably we must undergo, or suffer some evil, then we are in prudence oblig'd to choose the least. But that it should be lawful for us to commit a lesser evil, repugnant to the Laws of *God*, rather than suffer a greater from others, was never asserted by any Orthodox *Christian*: For the guilt of a mortal sin is undeniably a greater evil to a mans Conscience, than all the torments the malice of man can inflict upon his body.

'Tis plain then, that *Self-Preservation* allows neither to single men, nor yet to *States*, or *Common-Wealths*, to deprive any one either of his liberty, or

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property, not forfeited by the known, and just Laws of the Land, but when there is no remedy, or means to escape an imminent danger; so that nothing, but an absolute and indispensable necessity can excuse, or justifie such proceedings. And consequently, where the dangers are only imaginary, suggested by *malice*, and *desire of revenge*, nothing is more wicked, nor more repugnant to the *Laws* of *God* and *Nature*; and the more hainous is the crime, the more it it is publickly authoriz'd by the *Legislative Power*, which should protect, not oppress the innocent, or (as the *Psalmist* speaketh) *Frame mischief by a Law*, *Psal.* 94.20. For (to use my Lord *Digby*'s observation at the Earl of *Strafford*s Tryal) *As* Casuists *say*, *that he who lies with his Sister*, *commits incest*, *but he that marries his Sister*, *sins higher*, *by applying Gods ordinance to his crime*; *so doubtless he that commits murther with the Sword of Justice* (and the like may be said of rapine, or robbery) *heightens that crime to the utmost*. Bakers Chron. p. 510.

But let us suppose, that a *Community* may Arbitrarily dispose of any mans life and goods, as their worldly interest, or passion inclines them: Let us with *Cicero* complementing the *Senate*, say of both Houses of *Parliament*: *Quid vos deceat*, *non quantum liceat vobis spectare debetis*; *si enim quod licet quæritis*, *potestis tollere e civitate quem vultis*. *Not what is lawful for you*, *but what is decent*, *or becomming*, *you ought to consider*: *For if what is lawful you enquire*, *you may rid out of the City*, *whomsoever you please*. *Orat. pro Rabirio*. Yet this will signify but very little for the *Anti-ducal* party: For since many things are lawfull, that is, not punishable by Law, which are neither laudable, nor expedient; what will avail them to affirm, that the *Parliament* may thus lawfully disinherit his *R. H.* if the remedy be still worse than the disease, and the unconveniences unavoidably consequential to such proceedings incomparably greater, than any good either *Church*, or *State* can expect from so unseasonable a change?

First, Such a violent alteration would undoubtedly shake the very foundations of the Government, and render it obnoxious to the several designs of the factious. The *Republicans* could not expect a fitter opprotunity to set up that popular *Idol*, their well-beloved *Common-Wealth*, and reduce the so much envied greatness of the *Nobility* to that degree, as to be all Fellows at Foot-ball. For, as *Milton* well argueth against *Salmasius*: *The Peers are ordained by the King*, *they are his Companions*, *and Servants*, *and as it were his Shadows*; *he therefore being taken away*, *it's necessary they be reduced to the Commonalty*, *from whence they had their beginning*. p. 249. This has happen'd within the memory of man, insomuch that some of our greatest *Peers* were glad to be chosen *Burgesses* of almost unknown *Burroughs*; and if ever the *Republicans* get their ends, we may be sure they shall fare no better for the future. Oh! constant inconstancy of *human* affairs, that nothing can be so well ordain'd, or so firmly established upon Earth, which the malice of man cannot easily subvert or abuse. The two Houses of *Parliament*, which in former ages used to be

the Bulwark of our liberties, the main banks and boundaries, that kept us from slavery, from the inundation of Arbitrary Rule, and unbounded Will-Government, at last degenerated to that degree of *Wickedness*, that the World could not find their match for *Disloyalty*, *Tyranny*, and *oppression*. So that Mr. *Hampden* had reason to wish us *dayly to pray for a good Parliament*; *because nothing but a Parliament can undo* England. Two things have principally occasioned these unparallell'd revolutions, the unwarrantable Power the *Commons* assum'd to themselves, and the *Lords* imprudent conniving at such illegal proceedings. For nothing is more destructive of any *Commonwealth*, at least where *Kings* or *Nobles* are concerned, than an exorbitant Power in the Common *People*; because, *asperius nihil est humili, cum surgit in altum*. The Tribunes of the people among the *Romans* was undoubtedly an excellent constitution, to preserve the *Commonalty* from the illegal encroachments of the *Senate*; yet they became as last the very bane and Canker-Worm of that *Commonwealth*, the common incendiaryes of the People, and the chief fomenters of their mutinies, and dissensions. *The Power bestow'd on the Tribunes*, (saith *Florus*) *was the source of all seditions*; *in as much as under prentence of asserting the rights of the People, for whose ease it was established, they made it really their business to assume Authority to themselves, and Court the favour, and applause of the people*, lib. 3. c. 13.

Secondly, It were an indeleble stain upon the true *Reformed Religion*, that it could not be supported, or maintained without notoriously wronging others, and depriving them of their undoubted right. The late unparallelled murther of our *Royal Martyr* has given a great stroke to the Virgin-purity of the *Reformation* in this *Kingdom*, and afforded the *Papists* plausible pretences to recriminate, and always give us a *Rowland* for our *Oliver*. But if this bloody *Tragedy* be now seconded by renewing the late unreformed *Bill* of disinherison, our *Reformation* becomes ridiculous, and our *Loyalty* inexcusable. Has the *Pope* (says the Papist) deposed a *King*? You have murder'd and sacrific'd him to your fury. Has he disinherited the next Heir of the *Blood Royal*? you have been already harping upon the same string. Can he dispence with peoples *Oaths* of *Allegiance* and fidelity to the *Crown*? Your *Parliament*, it seems, must do the like, to save you from perjuriously breaking the Oath of Supremacy, wherein you swore *to maintain the Rights and Prerogatives of the Crown, to the utmost of your Power*. Where then, says he, is the disparity, but that the Popes dispensations are to be turn'd into a Vote of both Houses, that the encroachments of one must give place to the Usupations of many, and an *English* Cabal succeed the Conclave of *Rome*?

But how far these *Papistical* proceedings do deviate from the *Primitive* Spirit of *Christianity*, is plain by all Ancient Writers and *Historians*. First, When the *Roman Emperors*, were not only Heathens, and Idolaters, but most bloody persecutors of Gods *Church*, the *Christians* were even then so numerous, that (as *Tertullian* testifyeth) *they were almost the greatest part of*

every

every City. lib. ad Scap. 2. and 5. and were withall zealous, even to admiration of the purity of the *Goſpel*; yet they never attempted to oppoſe, or reſiſt the cruelty of their perſecutors; which undoubtedly they would have done, had they been allow'd by *Chriſt* to do it. For, (as *Tertullian* ſpeaketh in their name) *if we would act the part of open Enemies, could we want Numbers or Armyes? We are but of late days, and yet we have fill'd your Cityes, Iſles, Caſtles, Camps,* &c. *And for what War ſhould we be unfit, tho our Numbers were unequal, who can ſo readily lay down our lives, if our Religion did not require us rather to dye, than kill.* In *Apologet. c.* 37. Secondly when *Conſtantius*, *Valens*, and *Valentinian* the younger, *Chriſtian*, but yet *Arian* Emperors, were not only guilty of Blaſphemous *Hereſies*, but perſecuted the Church with Intolerable Cruelties; yet the *Orthodoxe Chriſtians* never vſed any violent reſiſtance againſt them, much leſs endeavoured to deprive them of their *Soveraignty*; which they might eaſily have done, eſpecially to the later, had S. *Ambroſe* but thought it conſiſtent with the Doctrine of *Chriſt*, and adviſed the Souldiers, whom he had at his beck (*Ambros. ep.* 33.) to depoſe both him and his Mother. The *Novatians* indeed, the ancient *Puritans* and *Schiſmaticks* of thoſe times, took arms againſt *Conſtantius* in defence of their Religion; *ſocrat. lib.* 2, *c.* 38. But no true *Catholick* ever approv'd their reſolution. It was well known, that *Julian* the *Apoſtate*, notwithſtanding his external profeſſion of *Chriſtianity*, was a Heathen in his Heart, many years before he came to the *Empire*; yet the *Chriſtians* never adviſed the *Emperour Conſtantius* to diſinherit or exclude him from the Government, much leſs endeavoured to do it themſelves. Laſtly, to come nearer home, in Q. *Mary's* dayes, when the *Proteſtants* of this *Kingdom* were but a handful in reſpect of the Papiſts, it was far better known, that the Lady *Elizabeth* was a zealous *Proteſtant*, than we can find that his R. H. is now inclin'd to *Popery*; and there were ancient *Laws* then in force far ſeverer againſt the *Reformed Religion*, than thoſe now in being againſt the *Romiſh* profeſſion: Yet notwithſtanding all theſe conſiderations, and the bloody practiſes of *Bp. Gardiner*, the generality of the *Papal* inclination never mov'd to have that *Princeſs* either diſinherited by new Laws, nor put to death by the old: Nay, when Sr. *Thomas Wyat* in hopes of his own pardon, falſely accuſed her of being privy to his Conſpiracy, ſo far was the Q. from countenanceing the perfidious Traitor, that he received his due at the place of execution; where now diſpairing of any favour, he openly confeſſed the truth, and proteſted the *Lady Eliz.* was never acquainted with his deſign. Shall we then ſhew our ſelves worſe than the *Papiſts*, or more diſloyal to the *Crown*? Shall we perſwade our moſt *Gracious Soveraigne* to be more rigorous to a ſuppoſed *Papiſt*, than Q. *Mary* has been to a known *Proteſtant*; or give greater credit to the groundles ſuggeſtions of deſpicable fellows, than ſhe has given to *Sir Thomas Wyat*?

We always exclaime againſt the bloody days of that Q. And ſhall we now perſwade the *mirror* of *clemency* to exceed her Cruelty?

Thirdly, it would ſtrangly reflect upon the Wiſdome and prudence of this Nation, to uſe ſuch deſperate remedyes before all others prove vaine and unſuccesful. The *Sages* of ancient times held it for an undoubted truth in all wiſe Men, *Extrema primo nemo tentavit loco.* Since therefore there are many other expedients, beſides this *Bill* of diſherison to ſecure us from *Popiſh* encroachments, what an imprudence it were, to uſe ſuch a deſperate remedy, as would unavoidably reflect upon our *Religion* and *Loyalty*, before all the reſt are found ineffectual? For is it not poſſible that his Sacred *Majeſty* may ſurvive his R. H. or have lawful iſſue by a nother *Queen*? And is it not as probable, that the D. both upon Temporal and Spiritual conſiderations may be induced to conform with the *Church* of *England*, and prove as zealous for that profeſſion, as his *Grandfather K. Henry* the fourth of *France* was for the *Roman Catholick* Religion? And indeed, if we conſider how the *Kings* of *England* are ſo far engaged by the fundamental Laws of the Land, that they can hardly move or ſtir, without the free concurrence of both Houſes of *Parliament*; how the *Reformed Churches* of *France*, tho under a *Popiſh* King, nay, an arbitrary abſolute Prince, do ſtill retain the purity of the *Goſpel*, and I am affraid have more good *Chriſtians* in their ſmall and few meetings, than we in our numerous congregations; we may plainly perceive, all theſe loud clamours of Popery and *Popiſh* cruelty, are rather bug-bears to frighten the ſhort-ſighted vulgar out of their little wits, than any prudential cautions of what is likely to happen. For certainly while our Laws ſtand firm and unrepealed, we cannot prudently apprehend any danger from a *King*, that muſt of neceſſity rule according to Law. And is it not evident, that no old Law can be annulled, nor new one enacted without our own conſent and approbation in *Parliament*. What ſignifies then this timorous fear, to be afraid of ſhadows? Do we miſtruſt our ſelves, or think we will ever conſent to the ruine of our liberty, property, or Religion? And beſides do not we all know, that altho the *King* be always exempt, yet his officers and Miniſters, without whom he can never execute his will, are for the Peoples ſatisfaction and ſecurity ſtill liable to Puniſhment, whenſoever they proceed contrary to Law, tho by the Kings command.

Fourthly, nothing could render the juſtice of this Nation more ridiculous, nore expoſe the proceedings of *Parliament* to more contempt and hatred, than to condemne a Man (as in the late Bill is expreſſed) before he is tryed or heard, and inflict greater puniſhment for his offence, than the known Laws of the Land have determined. The words of the Bill are, *That James D. of York, &c. Having departed openly from the Church of* England, *and Publickly profeſſed and owned the Popiſh Religion, which hath notoriouſly given Birth and Life to the moſt Damnable and Helliſh Plot, ſhall be excluded and diſabled, and is hereby excluded*

cluded and disabled, for ever, from possessing or inheriting the Imperial Crown of this Realm, and these Kingdoms, and all Territories, Countries, and Dominions now under his Majesties Subjection, &c. in which clause, wholy made up of notorious lyes and impostures, (to omit the unwarrantable presumtion of the contrivers of this Bill to dictate Laws to *Scotland* and *Ireland*, and think them so slavish as to stoop to whatsoever Idol they are pleased to set up) we have these three points to consider. 1. That the D. has Publickly profess'd the *Popish Religion*: 2. That his departure from the Church of *England* to that of *Rome*, hath notoriously given Birth and Life to the Plot: 3. That for being a *Papist*, he ought to be for ever excluded, without any hopes of recovery. The first is so palpable an untruth, that it needs no confutation; for it is well known, that all this while we could find none of any conscience or credit, (and Rogues, to be sure, we may have enough) that would positively swear he is a *Papist* in his Heart, much less has Publickly own'd the *Romish* profession. The 2. Is a manifest contradiction to what the chiefe discoverers of the Plot have delivered hitherto. For if we believe *Dr. Tongue*, and Capt. *Bedlow*, this is no new Plot, but a Conspiracy of many years standing, even before 66. And Dr. *Oates* in several places of his Narrative informs us, *That the Jesuits of S. Omers designed, if his Royal Highness should not comply with them to dispatch him*, &c. in his Narrative §. 23. and *Irelands* Tryal, Pag. 22. And that their Agents here found, *that altho the Duke was a good Catholick, yet he had a tender affection to the King; and would scarcely be engaged in the concern; and if they should once intimate their designes and purposes unto him, they might not only be frustrated of their designe, but also might lose his favour.* §. 24. Now that the *Dukes* late supposed change of *Religion* could give Birth to a Plot that was in agitation many years before that change, is beyond my capacity to comprehend; neither do I think it less impossible that his being a *Roman Catholick* could give any life or encouragment to this Conspiracy, since not only they durst not give him the least hint of their design, but also in dispair of his complyance they mark'd him out for Slaughter, as well as his *Sacred Majesty*. A new and unheard of way of giving life to a Plot, to be aimed for a Sacrifice, for fear to disappoint it. By this Logick might his late Majestie be said to have given Birth and Life to the Rebellious Practises of the Rump Parliament, because by his good Nature and desire of Peace, they were encouraged to Conspire against him. As for the third point, that a professed, much less a supposed *Papist*, ought to be deprived of his Birth-right, meerly for being such, is a Doctrine (as I have already proved) disowned and detested by all *orthodoxe Christians*, and particularly by our *Primitive Reformers*. But that a *Papist* should be for ever excluded, without any proviso for his Repentance or conversion, is the most *unchristian* Sentence, that was ever pronounced against the greatest delinquent. By the statutes of the 35. *Eliz.* c. 1. §. 4, and 3. *Jac.* c. 4. §. 17. it was wisely provided, *That if any recusant made open submission*

miſſion and declaration of his conformity, then he ſhould be diſcharged from all the penalityes and puniſhments he was lyable unto by his recuſancy. Yet if this *unchriſtian Bill*, or rather *Popiſh Bull*, had paſſed, it could never avail the D. to ſubmit or conform; and what has been always allow'd to the meaneſt Subject in the *Kingdom*, nay to Prieſts and Jeſuites, (27. *Eliz.* c. 2 §. 10.) ſhould be denyed to his R. H. for ever.

Moreover, ſince there is no *Law* now in being, that diſinherits a *Papiſt*, meerly for being ſuch, otherwiſe this Bill of excluſion is vain aud impertinent, by what colour of juſtice can the *Duke* be now deprived of his undoubted Birthright? For to puniſh a Man *ex poſt facto*, by a *Law* ſubſequent to his ſuppoſed crime, is undoubtedly the higheſt piece of injuſtice that was ever allow'd in a *Commonwealth*. The *Apoſtle* tells us, *where no Law is, there is no Tranſgreſſion.* Rom. 4. 15. And in my opinion, where there is no Tranſgreſſion, there can be no Puniſhment. What then was the ſenſe of this abortive *Bill*, but to have the D. *Staffordiz'd*, and made a Prologve to a new Tragedy? But certainly, that curſed act, which the very Blood-Hounds, who ſo greedily voted the *Earl* of *Straffords* Death, declar'd upon ſecond thoughts to be unfit for a *Preſident*, ſhall not be imitated in our days againſt any Man whatſoever. For if the worſt of *Parliaments* had ſo much remorſe of conſcience for ſpilling the blood of one notoriouſly guilty, tho not of Treaſon, yet of ſeveral high miſdemeanors; ſurely, ſuch a grave and wiſe Senate as you, our preſent *Parliament*, will never conſent to any thing againſt the life of ſo brave and *Heroick* a *Prince*, that has been hitherto held the Glory and Flower of our Nation: Which yet you muſt unavoidably do, if ever you renew that untimely Bill of the late Houſe of Commons. For by the experience of all ages, a *Prince* is no ſooner diſinherited or depoſed, but he is *ipſo facto* alloted for a Sacrifice to his Enemies. Private Perſons may, but it's hardly poſſible for *Princes* to ſurvive their Dignity.

Fifthly, Although neither the injuſtice of this Bill, nor yet the prodigious train of fatal conſequences, that muſt neceſſarily attend it, were ſufficient to ſtop the current of our animoſities againſt his R. *Highneſſe*; yet becauſe when all is done, it lyes ſtill in his *Majeſties* Breaſt to reject ſo unreaſonable a propoſal, nothing could more likely endanger the breaking that loving and happy Union between *King* and *Parliament*, than importuning his Majeſtie to paſs ſuch an unparallell'd Bill againſt his only Broother. 'Tis well known, that *Q. Eliz.* though the peoples darling, yet was always ſo nice, and ſo religiouſly exact in maintaining the Rights and Prerogatives of the *Crown*, that ſhe never heard the *Succeſſion* debated, even againſt a profeſſed *Papiſt*, and far remote in Blood, whether in, or out of *Parliament*, but her *Princely* commands either forced them preſently to deſiſt, or ſent them a packing into Priſon, to conſider and amend their folly. *For* (as *Camden* ſaith in her life, p. 37.) *certainly, ſhe never heard any thing more unwillingly, than that the Title of Succeſſion ſhould be called into queſtion. And therefore, ſhe ſent Mr.* Thornton,

ton, *Reader of Law in* Lincolns-Inn, *to the Tower, becauſe in his Reading, he called in queſtion the Q. of* Scots *Title to the Crown*, ib. p. 89. And it was alleaged by the Earl of *Leiceſter*, as a great crime againſt the *Lord Keeper* Bacon, *That he had inter-medled againſt the Q. of* Scots, *in the matter of Succeſſion, and was privy to a Book, wherein* Hales *went about to derive the Title of the Crown of* England, *in caſe the Q. ſhould die without Iſſue, to the Houſe of* Suffolk. *Whereupon* Hales *was committed to the Tower; But* Bacon, *though he denyed it, was by much adoe reſtored to favour. Camden ib. p. 73.* Likewiſe in a *Parliament* held the 8th. year of her raign, when *Bell, Mounſon*, and a great number of the houſe of *Commons*, thought it their right, as *Plenipotentiaries* forſooth of the whole *Kingdom*, to decide and ſettle the *Succeſſion*, the Q. highly diſpleaſed at ſuch proceedings, made a Prince-like Speech in the *Parliament Houſe* and quickly ſuppreſſed their inſolence. *We ſee* (ſaid this noble *Heroina*) *that your whole Houſe; may be divided into four ſorts, for ſome have been Plotters and Authors; ſome Actors, which with ſmooth words have perſwaded; ſome have conſented, being ſeduced with thoſe ſmooth words; and ſome have been ſilent, admiring ſuch boldneſs – For our part, whether we ſee ſuch a Parliament again, we know not; but for you, take heed leaſt ye provoke your Princes patience*, apud Cambden, p. 89.

Thus was the Tempeſt laid for that ſeaſon, and the raging Waves of turbulent Spirits mitigated and reſtrained. Yielding in ſo weighty a matter, could but add Fuel to the Flame, and encourage the factious to ſet no bounds to their demands. This we have found true by ſad experience in the late unhappy revolutions, when the more our *R. Martyr* endeavour'd by large conceſſions and condeſcenſions to ſatisfy the *Parliament*, the more unreaſonble ſtill they grew in their propoſals; as himſelf complains in his *Cygnean* meditations, where he ſaith: *Had I yielded leſs, I had been oppoſed leſs; had I denyed more, I had been more obeyed. c.* 19. His paſſing the Bill for a *Triennial*, or rather (as a *Lady* expreſſed it in a *Prophetical* miſtake) for a *Tyrannical Parliament*, one would think was enough to ſatisfie their madneſs: Yet ſoon after they muſt have it *perpetual*, never to be diſſolved without their own conſent; of which Bill it was wiſely ſaid by *Archy* the Jeſter, *That he knew not whether the King was the greater Fool to grant it, or they the greater Knaves to ask it.* The ſad effects of this good *Kings* compliance, are doleful to be mentioned; yet nothing but what muſt always, ſooner or later, inevitably follow the *Princes* parting with the *fundamental* rights and *Prerogatives* of the *Crown*. If therefore Q. *Eliz.* though loving to, and beloved by her Subjects, thought her ſelf in conſcience obliged not to betray her truſt ſo far, as to expoſe the moſt orient, and moſt tranſcendent pearl of this *Imperial Crown*, the right of *Succeſſion*, to be trodden under Foot by the people, or exclude the next Heir, though a profeſſed *Papiſt*, and far remote in blood, nay, her own Rival and Competitor for the *Kingdom*; can we in reaſon conclude, but that our preſent Soveraign will never conſent to diſinherit his only Brother, meerly ſuppoſed

a Papist, and one that has so freely and so frequently ventured his Life in his *Majesties* Service, and for the honour of this now so ungratefull Nation?

Lastly, If none of these motives can perswade us to our good, let us at least consider whether the dangers, which hereby we endeavour to avoid, be not far less, than those we undoubtedly draw upon our selves, and whether by labouring to escape *Scylla*, we do not fall headlong into *Charybdis*. *Dum vitant stulti, vitia in contraria currunt.* If therefore his R. H. must be absolutely disinherited, either the *Crown* shall be settled upon his Issue, or wholly left at the peoples disposal. The last is absolute folly and madness, and yet the first is no less unreasonable. For as K. *James* well argueth in his answer to *Card. Peron*, against the *Popes* pretended power to depose *Princes*: *Who shall succeed in the deposed Kings place? Shall a stranger be preferred by the Pope? That were to do the innocent Son egregious and notorious wrong. Shall the Son himself? That were a more injurious part in the Son against his Father. For if the Son be touch'd with any fear of God, or moved with any reverence towards his Father, he will seriously and diligently take heed that he put not his Father by the Kingdom, by whose means he himself is born to a Kingdom.* p. 130. Now we may argue in like manner: Either this Issue of his *R. H.* which is to inherit these *Kingdoms*, will have some true *Religion*, or a false one, or none at all. If none, or but a false Religion, there is no reason why he should be admitted, and the *D.* excluded from the *Crown*. But if he be of any true *Religion*, he will never usurp the *Crown* against his Fathers will; neither will the Father to be sure, ever resign his right, knowing how inhumanely K. *Edward* 2. was abus'd under the Government of his Son, after he resigned his Crown by the contrivances of his lecherous *Queen* and disloyal *Parliament*. We may therefore conclude, that if his *R. H.* does survive his *Sacred Majesty* without having any lawfull Issue, he will never tamely acquiesce, nor lay down his just pretensions to the *Crown*, for an act no less unjust than that, whereby his Grandfather was by K. *Henry* 8ths. last Will and Testament, warranted by two *Acts of Parliament*, endeavoured to have been excluded from the *Crown* of *England*. What then can we expect to ensue this great and weighty controversy, but an unnatural War between *Prince* and *People*, which will undoubtedly divide and distract the three Nations, and most unhappily cut of the *Kingdoms* of *Scotland* and *Ireland* from this *Crown*, which without all peradventure will either set up for themselves, as the *Britains* did here upon the fall of the *Roman Empire*, or upon some extraordinary conditions joyn with his R. *Highness*? And then what shall become of this miserable *Kingdom*, divided in it self into a numberless number of *Religions* and *Interests*, deprived of these two considerable Branches, and destitute of all hopes of any Auxiliaryes from *Protestants* abroad, who will hardly ever endanger themselves or their already half-ruinated *Countryes* to support so bad a cause, against the great Power and vast numbers of the *Popish party*, who will undoubtedly through the *Popes* instigations flock to the relief of a *Catholick Prince* deprived of his right for his *Religion*? And the *French King*, who is now at peace with all the

World, will undoubtedly be glad of this opportunity to give vent to the fiery Spirits of his busy Subjects, and feed them *gratis* on the fat of this Fertile Country; nay, he will hold it a glorious pretence to assist a *Prince* excluded from his Birth-right for the *Catholick Religion*.

How then shall we defend our selves, neither united at home, nor assisted from abroad? Or shall we be so imprudent, as to expect to be miraculously deliver'd by God, of whose *Divine Protection* we shew our selves now so mistrustful; seeming rather to confide in our own humane *Policy*, than in the over-ruling *Providence* of the *Almighty*? Let us consider what unspeakable Calamities this poor *Kingdom* sustain'd, what Butcheries, what Rapines were here committed in those intestine wars between the Houses of *York* and *Lancaster*, when they had no forreign assistance but *English* against *English*, butchering and destroying one another, to the almost utter ruin of the whole Nation. How many massacres, how many desolations of Cities and Towns, how many bloody Battles ensued the disinherison of the House of *York*, notwithstanding the Solemn resignation of K. *Richard* 2. and all the Acts of *Parliament* to establish and confirm it? Let *Histories* be search'd, let just accompts be taken, and it will appear by true computation, that during these distractions, in the space of 60 years, there were 17 pitched Battles fought in this *Kingdom*; and no less than 8 Kings and Princes of the blood, 40 Dukes, Marquesses and Earls, Barons and Gentlemen innumerable, and 200000 of the common people slaughter'd and destroyed. Such is the fatal consequence of altering the Succession.

My Lords and Gentlemen,

THus I have delivered with all possible brevity and sincerity the true sense of my Soul touching the late Bill of exclusion, and upon the whole matter cannot but conclude, it's like the *Trojan Horse* full of dangers and inconveniences, and if passed, I am afraid will prove no less destructive to this Kingdom, than *Helen* did to the City of *Troy*: The one made *Phrygia* the seat of the *Asian* and *European* Massacres, and the later will in all appearance make *England* the *Theatre* of *Christendoms Tragedy*. I appeal therefore to your own profound wisdoms, for a speedy preservative against these threatning extremities, and do heartily pray that we may be so secured on the one side, as not to be exposed to ruin on the other; and that our *Religion* may not be made a Cloak for mysterious designs against the best of Governments. I will conclude in the words of our *Brittish Solomon*, in his aforesaid answer to *Card. Peron. p.* 179. Where he saith: *A breach made by one mischief, must not be fill'd up by a greater inconvenience. An error must not be shock'd and shoulder'd with disloyalty, nor Heresie with Perjury, nor impiety with sedition, and armed Rebellion against God, and the King. God, who used to try and to school his Church, will never forsake his Church: Nor hath need to protect his Church by any proditorious practises of perfidious Christians.*

FINIS.

Printed for Matth. Rider, *Gent.*